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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

JANET GARCIA, ET AL.

Plaintiffs,

v.

CITY OF LOS ANGELES,
a municipal entity;

Defendant.

CASE NO.: 2:19-CV-6182-DSF-PLA
[Assigned to Judge Dale S. Fischer]

DISCOVERY MATTER

**DECLARATION OF A. PATRICIA
URSEA ISO CITY'S OPPOSITION
TO PLAINTIFFS' MOTIONS TO
COMPEL DISCOVERY**

Date: April 28, 2021
Time: 10:00 a.m.
Crtm: 780

Complaint Filed: July 18, 2019
Discovery Cut-Off: July 26, 2021
Pretrial Conference: Feb. 14, 2022
Trial Date: March 15, 2022

DECLARATION OF A. PATRICIA URSEA

1
2 1. I am an attorney and licensed to practice law in California. I serve as a
3 Deputy City Attorney for the City of Los Angeles, in the Business & Complex
4 Litigation Unit, and I represent Defendant City of Los Angeles (“City”) in this action. I
5 submit this declaration in support of the parties’ joint Stipulation Regarding Plaintiffs’
6 Motion to Compel Re: Joint Stipulation Re: Plaintiff’s Motion To Compel Responses
7 To Plaintiff Ali El Bey’s Request For Production Of Documents (Set One) and
8 Responses To Plaintiff Miriam Zamora’s Interrogatories (Set One). I have personal
9 knowledge of the information herein, and if called upon, can and will testify
10 competently thereto.

11 2. On July 17, 2020, I participated in a Rule 26(f) meet-and-confer call with
12 Plaintiffs’ counsel during which the City proposed (1) phasing of the trial so that
13 liability and damages were tried first, and equitable relief second, and (2) that the
14 parties enter into a stipulation concerning *Monell* liability.

15 3. On July 17, 2020, I sent Plaintiffs’ counsel an email confirming our
16 conversation, reiterating the City’s position that entering into a stipulation on *Monell*
17 and phasing the trial “would streamline the issues and discovery and allow for an
18 earlier trial date.” **A true and correct copy of my July 17, 2020 email is attached to**
19 **this declaration as Ex. 1.**

20 4. To my July 17, 2020 email, I attached the City’s written trial phasing
21 proposal along with a proposed stipulation on *Monell*, which stated the following:

22 a. (1) To avoid costly and protracted discovery and litigation in this case
23 over municipal liability under *Monell v. Department of Soc. Svcs.*, 436 U.S. 658
24 (1978), the City agrees to entry of judgment against the City—without Plaintiffs
25 having to prove that the violation resulted from a City policy, custom, or practice as
26 required by *Monell*—for compensatory damages and, to the extent allowed by the
27 Court, reasonable attorney’s fees pursuant to 42 U.S.C. §1988, if the finder of fact finds
28 in Phase I of this action that an employee of the City violated a Constitutional right of

any Plaintiff as alleged in the Second Amended Complaint. The City will not be liable, however, for any award of punitive damages.

b. (2) The terms of this Stipulation also apply if the Court determines in Phase I on a motion for summary judgment or other dispositive motion based on the merits of the case, that an employee of the City violated a constitutional right of any Plaintiff as alleged in the Second Amended Complaint.

c. (3) Nothing in this stipulation is intended to preclude Plaintiffs (or the City) from seeking any discovery in Phase I or II that is relevant to the issues in the respective phases, pursuant and subject to the Federal Rules of Civil Procedure. The City does not intend to waive any objections to any discovery in Phase I or II, including on the grounds of relevance, proportionality, undue burden and any other objections available under the Federal Rules of Civil Procedure.

d. (4) In agreeing to the terms of this stipulation, the City does not intend to waive its right to challenge the Plaintiffs' entitlement to a permanent injunction or the nature or scope of any such permanent injunction, which would be litigated, if at all, in Phase II of this case. With the exception of the terms stated in Paragraph 1 of this stipulation, the City does not intend to waive any other arguments or defenses in Phase I or Phase II of this case, including but not limited to arguments related to Plaintiffs' state law claims and/or challenges to the Court's jurisdiction.

A true and correct copy of the phasing proposal and *Monell* stipulation is attached to this declaration as Ex. 2.

5. On July 30, 2020, Plaintiffs' counsel sent a letter rejecting the City's trial phasing proposal. The letter did not address the City's proposed *Monell* stipulation nor contain any discussion of *Monell* or the related discovery issues that the City had raised in the earlier meet-and-confer calls, letters, and proposed stipulation. **A true and correct copy of Plaintiffs' July 30, 2020 letter is attached to this declaration as Ex. 3.**

6. On September 30, 2020, I participated in a call with Plaintiffs' counsel about deficiencies the City identified in Plaintiffs' responses to certain discovery

propounded by the City. Among the issues we discussed was privilege logs, which neither party had provided at that time. Plaintiffs' counsel Cathy Sweetser stated that in prior litigation involving Plaintiffs' counsel and the City, the parties had agreed to provide privilege logs after the document productions had concluded; Ms. Sweetser asked whether the City would agree to do the same in this litigation. On behalf of the City, I agreed that the parties would wait to exchange privilege logs until their respective document productions were complete. As of the date of this declaration, neither party provided privilege logs. **A true and correct copy of Plaintiffs' El-Bey's and Garcia's responses to the City's interrogatories is attached to this declaration as Ex. 4.**

7. On November 11, 2020, Plaintiffs Ashley, Diocson, Haugabrook, Zamora and Zepeda served objections and responses to the City's Special Interrogatories, Set One. **A true and correct copy of these Plaintiffs' responses to the City's interrogatories is attached to this declaration as Ex. 5.**

8. On November 16, 2020, while my colleague Felix Lebron—who had been largely handling the City's document collection efforts and responses to Plaintiffs' discovery requests—was out on leave, I participated on a meet-and-confer call with Plaintiffs' counsel concerning the City's Amended Responses to Plaintiff Ali El-Bey's Requests for Production. During the call, I reiterated the City's position that much of the broad discovery Plaintiffs sought, such as sanitation reports from 2016 onward for encampment cleanups in which Plaintiffs were not involved, was voluminous and not relevant to Plaintiffs' claims or the City's defenses. Nevertheless, in the interest of moving forward past the disputes, I agreed to investigate the feasibility and burden associated with collecting some smaller universe of the wide-ranging documents Plaintiffs demanded. Plaintiffs' counsel also brought to my attention a handful of specific documents that Plaintiffs believed were missing from the City's prior productions, including Operations/Daily Assignment sheets and Online Encampment Authorizations. I explained that the City was not "withholding" any non-privileged

1 responsive documents and to the extent the identified documents extent existed, the
2 City would produce them.

3 9. On or about November 17, 2020, I instructed a paralegal to begin running
4 searches in the City's Government Claims database. The Government Claims database
5 does not permit boolean, proximity, or similar searches. The system permits up to
6 three "and" search terms to be entered at a time but it functions best if one search term
7 is entered at a time. Claims that have been submitted in paper form or uploaded as
8 PDF attachments for any other reason are not searchable electronically. Thus, to
9 identify responsive documents, each such claim in the database would need to be
10 downloaded manually and reviewed for responsiveness. The system allows restriction
11 parameters to be set -- in relevant part, date of claim, type of claim, and department --
12 but none of those restrictions were used in conducting these searches so that the widest
13 possible search net was cast. Over the course of the next few weeks, the following
14 searches were run, each individually, across the entire database with no date or other
15 restrictions or limitations:

- 16 a. cleanup
- 17 b. clean-up
- 18 c. cleaning
- 19 d. sweep
- 20 e. homeless
- 21 f. unhoused
- 22 g. sanitation
- 23 h. LASAN
- 24 i. bulky
- 25 j. 56.11
- 26 k. destroy
- 27 l. destruction
- 28 m. encampment
- n. dump

1 o. couch

2 p. pallet

3 q. cart

4 r. care+

5 s. hope

6 t. tent

7 u. trash

8 v. care

9 10. The searches of the Government Claims database using the above search
10 terms resulted in approximately 1200 claims. Those claims were then reviewed over
11 the course of several weeks and 30 responsive claims were identified. As discussed
12 below, the 30 claims were ultimately downloaded and produced on
13 December 18, 2020.

14 11. On November 19, 2020, Plaintiffs' counsel sent a letter purporting to
15 summarize the issues we discussed on our November 16 meet-and-confer call and
16 raising additional issues that Plaintiffs did not raise on that call. **A true and correct**
17 **copy of Plaintiffs' counsel's November 19, 2020 letter is attached to this**
18 **declaration as Ex. 6.**

19 12. On November 19, 2020, I responded to Plaintiffs' letter explaining the
20 status of my investigation into potential compromises, set forth the City's positions as
21 to the production of certain documents, including the City's agreement to produce
22 electronically exportable information from the MYLA311, WPIMS, and AMS
23 databases, which would be produced by December 18, 2020.

24 a. As to supporting documents for cleanups reflected in the database exports,
25 I explained: "Photographs associated with these cleanups are housed separately and there
26 is no automated method for exporting them. As we have explained, the number of
27 photographs associated with cleanups vary dramatically and could include as many as
28 700 photographs. Each photograph for each cleanup would need to be downloaded

1 manually. If after seeing the data, Plaintiffs wish to request photographs for some
2 reasonable subset of the cleanups, we can meet and confer about such a request.”

3 b. I also explained that the RFCs were stored in paper format and that the City
4 was still exploring whether there was any feasible and reasonable way to satisfy
5 Plaintiffs’ requests.

6 c. I also stated that the City agreed to provide certain electronically searchable
7 and exportable information related to complaints to LAPD and government claims.

8 d. I also stated that the City was working with Chrysalis (a third party
9 contractor responsible for storing items removed during encampment cleanups) to obtain
10 the storage-related documents Plaintiffs requested.

11 **A true and correct copy of my November 19, 2020 email is attached to this**
12 **declaration as Ex. 7.**

13 13. On November 24, 2020, Plaintiffs’ counsel sent an email, in which
14 Counsel:

15 a. Attached Plaintiffs’ proposed “initial” list of email custodians and search
16 terms.

17 b. Objected that Plaintiffs “disagree with the City’s decision to limit the
18 production of data from the[] specific databases to only January 1, 2018,” and demanded
19 that “the City provide us these databases immediately.”

20 c. Proposed that the parties stipulate to continue the discovery deadline (which
21 was January 25, 2021 at the time), along with other trial dates, by six months to “allow
22 the parties to work towards resolution of some of these issues without immediate motion
23 practice related to the City’s responses to Plaintiffs’ discovery” and because the COVID-
24 19 pandemic “has had a particular impact on our clients...”.

25 **A true and correct copy of Plaintiffs counsel’s November 24, 2020 email and**
26 **attachments is attached to this declaration as Ex. 8.**

27 14. On December 1, 2020, I responded to Plaintiffs’ November 24, 2020
28 email (which was sent two days before Thanksgiving while I was out of the office),
stating that we would to request the appropriate IT departments to run the searches

1 Plaintiffs proposed and would get back to Plaintiffs on the email-related issues raised
2 in Plaintiffs' letter when we received results. As to the date ranges of the database
3 exports, I reminded Plaintiffs' counsel that they had agreed to limit their discovery
4 requests to 2018 forward in prior meet-and-confers, and reiterated the City's position
5 that: "...given that all of Plaintiffs' incidents occurred in 2019, and the requested data
6 is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City
7 believes beginning the production on January 1, 2018 is more than reasonable."
8 Finally, I conveyed that the City agreed to stipulate to the extension of the discovery
9 deadline and trial dates proposed by Plaintiffs. **A true and correct copy of my**
10 **December 1, 2020 email is attached to this declaration as Ex. 9.**

11 15. On December 4, 2020, after speaking with ITA for LAPD and other City
12 email systems, I sent Plaintiffs' counsel an email reporting that the system was not
13 capable of running case sensitive searches and predicting that as a result, the terms
14 "CARE" and "HOPE" (which are acronyms for City programs related to encampment
15 cleanups that Plaintiffs proposed as search terms) would likely lead to numerous false
16 hits. I proposed alternate search terms to minimize this potential and asked that
17 Plaintiffs notify us if they had any concerns or had other suggestions for reasonably
18 limiting these terms. **A true and correct copy of my December 4, 2020 email is**
19 **attached to this declaration as Ex. 10.**

20 16. Plaintiffs' counsel responded on December 4, 2020 asking whether we
21 had run any of the search terms and stating that Plaintiffs "are amenable to qualifying
22 the terms, especially HOPE, but we need a baseline or some sampling to evidence
23 whether the terms are in fact overbroad or are generating false hits." **A true and**
24 **correct copy of Plaintiffs counsel's December 4, 2020 email is attached to this**
25 **declaration as Ex. 11.**

26 17. I responded to Plaintiffs' Friday night email on the morning of Monday,
27 December 7, 2020, in which I explained that ITA had not run any of the searches yet
28 but that we believed it would be more efficient and minimize delay if we negotiated
alternate search terms to avoid overbroad and common words like "hope" and "care" at

1 the outset. **A true and correct copy of my December 7, 2020 email is attached to**
2 **this declaration as Ex. 12.**

3 18. On December 7, 2020, Plaintiffs' counsel sent an email stating that
4 Plaintiffs could not understand the reason for the "delay" when the Plaintiffs' provided
5 initial search terms "two weeks ago." The email included Plaintiffs' counter-proposal
6 for alternate searches to address the likelihood of false hits using the terms "care" and
7 "hope." Plaintiffs' counsel acknowledged that there would be a "back and forth that
8 will inevitably be required to address these issues," and asked that the City provide an
9 expected timeline of when the searches would be completed. **A true and correct copy**
10 **of Plaintiffs counsel's December 7, 2020 email is attached to this declaration as**
11 **Ex. 13.**

12 19. On December 8, 2020, I responded to Plaintiffs' email.

13 a. I reminded Plaintiffs' counsel about the City's process for searching emails:
14 "As you know, we do not run searches but rather submit search requests to the
15 appropriate IT departments, which must construct and run searches, and download
16 documents, not only for this case but a multitude of other cases the City is involved in,
17 CPRA requests, and a variety of other reasons. The search process, which is detailed in
18 the City's objections to the Plaintiffs' RFPs and in the City's letters of August 24, 2020
19 and September 25, 2020, is resource-intensive and time-consuming. Furthermore, each
20 time a request is submitted, it goes to the back of line. Given that Plaintiffs have asked
21 the City to run very broad searches, including two words that are extremely common in
22 emails (e.g., 'I hope you are well'; 'Take care,'), involving over 40 custodians, we
23 thought it would be more efficient to construct alternative search parameters to address
24 obvious overbreadth issues so that IT could run the searches as part of one request."

25 b. I stated that the City would put in a request to run the searches and
26 custodians Plaintiffs proposed, substituting the alternate search terms for "care" and
27 "hope" that Plaintiffs proposed the day before.

28 c. I also stated that the City had hoped to continue negotiating custodians and
search terms at the front end to minimize the risk of having to submit additional search

1 requests to ITA but given that Plaintiffs viewed our attempts at negotiating search terms
2 up front as “further delay,” the City would “do as Plaintiffs wish and request IT to run
3 an initial search with no limitations, then meet-and-confer if needed, and then request
4 additional searches if appropriate.”

5 d. In response to the statement by Plaintiffs’ counsel that the City had
6 “delayed” running search terms Plaintiffs’ sent “two weeks ago,” I clarified the record:
7 “On the subject of the alleged delay, your email does not accurately reflect the relevant
8 timeline of the parties’ search term negotiations. The City agreed to meet and confer
9 about custodians and search terms on August 25, 2020. The City later reiterated that
10 agreement in a letter dated September 25, 2020. Plaintiffs did not provide the custodians
11 and search term proposal until November 24, 2020, which also happened to be two days
12 before Thanksgiving. That Thursday and Friday were City holidays and many
13 employees were out on other days that week, including myself. Upon returning the
14 following week, we consulted with IT about the proposed searches. When we
15 discovered that the searches IT runs are not case sensitive, we then developed alternative
16 search parameters to address the CARE and HOPE issues, which we shared with
17 Plaintiffs on Friday of that week.”

18 e. I further stated that the parties would need to meet and confer about
19 Plaintiffs’ proposal that the emails of “all council staff” be searched: “A preliminary
20 inquiry indicates that this would require searching emails for over 60 employees, not
21 including former employees. As a compromise, we are working on identifying the
22 employees in each Council District that were/are most likely to communicate about
23 cleanups, 56.11, and related authorizations 2018 to the present. We will propose a subset
24 of custodians from those Council Districts once we have completed our inquiry. In the
25 meantime, if you are aware of the names of specific employees in the Council Districts
26 you believe would have relevant information, please let us know.”

27 **A true and correct copy of my December 8, 2020 email is attached to this**
28 **declaration as Ex. 14.**

1 20. The next day, on December 9, 2020, Plaintiffs' counsel sent a letter
2 contending that Plaintiffs "ha[d] not heard back from the City on the majority of issues
3 outstanding from our November 14, 2020 call or the many other issue outstanding
4 regarding the City's production of documents..." The letter also stated that "[t]he
5 City's offer to meet and confer after December 18 if Plaintiffs wish to request a subset
6 of documents related to individual cleanups is also unreasonable" because they are
7 relevant to "the existence of widespread and longstanding policies...impeachment and
8 credibility purposes, and to establish the dates and times of other incidents in which
9 our clients' property was taken." Plaintiffs stated that unless the documents are
10 produced by December 11, 2020, Plaintiffs would file a motion to compel. The letter
11 served as "advanced notice as a professional courtesy, so you can plan accordingly."

12 **A true and correct copy of Plaintiffs counsel's December 9, 2020 letter is**
13 **attached to this declaration as Ex. 15.**

14 21. On December 10, 2020, I responded to Plaintiffs' letter. Again, I clarified
15 the record:

16 a. The City had responded to many of Plaintiffs' issues in emails of November
17 19 and December 1, 4, 7 and 8.

18 b. The City had not "refused" to produce anything or to engage in any further
19 meet and confer efforts.

20 c. I also observed that notwithstanding the City's attempts at compromise, "it
21 is clear that nothing the City does in discovery satisfies Plaintiffs." I then listed the
22 compromises the City had made and Plaintiffs' responses to each as unsatisfactory.

23 d. I also reiterated that "we are not withholding and do not intend to withhold
24 org charts or any other non-privileged documents responsive to Plaintiffs' requests that
25 we have collected."

26 **A true and correct copy of my December 10, 2020 email is attached to this**
27 **declaration as Ex. 16.**

28 22. As promised, the next day, on December 11, 2020, I further responded to
Plaintiffs' December 9th letter:

1 a. With respect to Plaintiff Haugabrook's claims, I reminded Plaintiffs that
2 the City had produced area-wide cleanup reports for the South LA area "as a courtesy
3 because Plaintiff Haugabrook was not able to identify the date and precise location of
4 the alleged cleanup(s) that forms the basis of his claim, beyond the general location of
5 South LA. To date, Plaintiffs have not informed us whether any of the cleanups in that
6 production form the basis of Mr. Haugabrook's claim. We would be willing to reproduce
7 specific cleanup documents from the South LA universe of documents if Mr.
8 Haugabrook specifies the relevant cleanup(s), subject to the feasibility and burden
9 analysis noted above.

10 b. Regarding the email collection, I stated: "We understand that the requested
11 LAPD emails will be uploaded to our e-discovery software this weekend and we intend
12 to begin review of them next week. Once we have a better understanding of the
13 document numbers and hit rate, we will let you know to what extent we believe the
14 universe of documents for review should be limited in an attempt to eliminate false hits.
15 We have put in a request to IT for LASAN and UHRC documents but do not have an
16 estimated time of completion yet. Regarding CD staff members, we have made some
17 progress but do not yet have a list of staff members that might be appropriate custodians.
18 We are diligently working on this and will get back to you in the next week or so with
19 an update."

20 **A true and correct copy of my December 11, 2020 email is attached to this**
21 **declaration as Ex. 17.**

22 23. I am informed that LAPD's ITA ran Plaintiffs' requested custodians and
23 search terms in searches conducted between December 14 and 17, 2020. Below are the
24 LAPD custodians and search terms that were used, all with the same date range
25 01/01/2018 - 12/02/20:
26
27
28

Custodian	Search Terms
Jerald Case Werner Flores Marya Mason Adrian Maxwell	56.11
Frank Lopez (Francisco)	Lomita McCoy 56.11
Kevin Quyen Chung Marc J. Mahlke Kevin W. Cottle Won Yong Kim	56.11 notice “immediate threat” hazard “the BIN” “507 Towne” Chrysalis Storage
Dominic Choi Donald Graham Emada Tingirides	56.11 “rapid response” HOPE CARE

24. On December 15, 2020, I instructed a staff member to manually download the 30 Government Claims that had been identified as responsive to Plaintiffs’ request. Thus, even though the City had previously agreed only to produce a spreadsheet of electronically searchable information, the City took the extra step to manually download each of the claims identified, which the City produced to Plaintiffs on December 18, 2020.

25. On December 16, 2021, the City produced 432 documents [CTY015455 - CTY019502], which including additional organizational charts, job descriptions, weekly reports listing the number of encampment and illegal dumping requests received, and training documents.

26. On December 18, 2020, Plaintiffs’ counsel responded to my December 11, 2020 email. On the issue of Mr. Haugabrook’s claims, Plaintiffs stated: “[W]e

1 disagree with your statement that we were unable to provide a location where the
2 cleanups occurred. We provided you that information in the Second Amended
3 Complaint.” The email further stated: “Also, this is the first time you have inquired
4 whether any of the documents produced by the City relate to Mr. Haugabrook’s claims.
5 From our perspective, it is clear that the documents produced by the City do not form
6 the basis for his claims, as they relate to cleanups that occurred nowhere near where
7 Mr. Haugabrook alleges he was subjected to the City’s unconstitutional practices.”

8 **A true and correct copy of Plaintiffs’ December 18, 2020 email is attached to this**
9 **declaration as Ex. 18.**

10 27. On December 18, 2020, the City produced 237 documents [CTY019503 -
11 CTY020305], which included AMS and WPIMS database electronically exportable
12 information for 2018-2019 (inadvertently omitting 2019-2020, which the City
13 produced on December 29, 2020); MyLA311 database electronically exportable
14 information for 2018-2020; as well as additional organizational charts, government
15 claims, tonnage reports requested by Plaintiffs, and weekly reports to the Mayor’s
16 Office that summarized data concerning, among other things, encampment and illegal
17 dumping requests and cleanups. **A true and correct copy of exemplar screenshots of**
18 **the WPIMS database production is attached to this declaration as Ex. 19.** (The
19 database information for WPIMS, as well as AMS and MyLA311, was produced in
20 Excel in native format that is not amenable to full conversion to pdf format. The
21 attached screenshots show a truncated view of the columns, however, the data that was
22 produced in native format can be expanded, sorted, filtered, etc. as in any Excel file).

23 28. At the close of business of December 18, 2020, Plaintiffs’ Counsel sent an
24 email notifying that certain 2020 database information was missing from the
25 production and stating: “If we don’t get clarification this evening, we’ll presume the
26 City is withholding the 2020 data based on its objections and seek court intervention
27 for the rest of the data.” **A true and correct copy of Plaintiffs counsel’s December**
28 **18, 2020 email is attached to this declaration as Ex. 20.**

1 29. On Monday, December 21, 2020, I responded to Plaintiffs' email:
2 "Thank you for bringing this to our attention. Per our meet-and-confer agreements,
3 without waiving our relevance and other objections, we did and do not intend to
4 withhold the 2020 data. It appears there was an internal miscommunication about the
5 date range of these reports. The 2020 reports are being pulled and we will produce
6 them as soon as we get them, which we understand will be early next week." **A true
7 and correct copy of my December 21, 2020 email is attached to this declaration as
8 Ex. 21.**

9 30. On December 23, 2020, the City produced additional LASAN PowerPoint
10 presentations as well as Operations/Daily Assignment charts Plaintiffs requested
11 [CTY020306 - CTY020329].

12 31. On December 29, 2020, I emailed Plaintiffs' counsel an update on the
13 City's productions. On the issue of government claims, I summarized the search
14 capabilities and limitations of the Government Claims database and the manner in
15 which the search was conducted, including the search terms used. I explained that the
16 result of these searches was approximately 1200 hits. I explained that "[t]he City
17 produced all of the responsive claims that were located in the CityLaw database on
18 12/18/20" and referred Plaintiffs to the Load File and Bates range (Garcia 0006, and
19 Bates Nos. CTY020224 - CTY020305). **A true and correct copy of my December
20 29, 2020 email is attached to this declaration as Ex. 22.**

21 32. I am informed and believe that the City's e-discovery vendor completed
22 uploading the LAPD documents on January 6, 2021. The custodians and search terms
23 provided by Plaintiffs were used in collecting the documents. This resulted in 70,623
24 documents after deduplication (approximately 32 GB of raw data).

25 33. On February 16, 2021, the City produced 105 documents [CTY020332 -
26 CTY020441] that included cleanup reports and supporting documentation identified
27 for a cleanup that occurred at Harvard Blvd. and 5th Street.

28 34. I am informed and believe that on February 17, 2021, ITA completed
collection of the emails from non-LAPD custodians except for one, which was could

not be delivered in a useable format due to an unexpected technical issue. I am informed and believe that the collected data was approximately 250 GB and that this exceeded the storage space the City had contracted for with its e-discovery vendor. The custodians and search terms used for this dataset collection were those proposed by Plaintiffs and reflected in the chart below:

Custodian	Date Range	Department	Search
Howard Wong Pawan Verma Gonzalo Barraga Jonelle Gardea	01/01/18- 12/02/20	Sanitation	56.11 bulky “rapid response” “immediate threat” hazard “the BIN” “507 Towne” Chrysalis Storage HE/ID “posting survey” HOPE CARE
Domingo Orosco Gabriel Miranda Jose Garcia	01/01/18- 12/02/20	Sanitation	56.11 bulky “rapid response” “immediate threat” hazard “the BIN” “507 Towne” Chrysalis Storage

			HOPE CARE
Sarah Bell Bladimir Campos Diana Gonzalez Shackelford, Renee (Cecelia)	01/01/18- /12/02/20	Sanitation; Community Services Group	Lomita McCoy Aetna Cedros Bessemer Ardmore Kingsley Hobart Harvard 4th 5th 6th 7th 8th Wilshire Figueroa 52 Grand Flower 110
Steve Pedersen	01/01/18- 12/02/20	Sanitation (ECI)	56.11 “rapid response” “the BIN” “507 Towne” Chrysalis Storage

			(“immediate threat” or hazard) /30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process or processed or processing) “bulky item” /30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process or processed or processing) HOPE CARE
Erick S. Estrada Daniel C. Truong Teodoro C. Salvacion Michael Hu Armando Cabrera Gilberto E. Campos Arek Arzoumanian Michael Tran Abraham Abrahamian Bernard J. Dancel	01/01/18- 12/02/20	Sanitation (ECI)	56.11 notice “immediate threat” hazard “the BIN” storage Chrysalis

Philip A. Pedrosa Jazmine N. Saucedo Stephany J. Cruz Jay J. Kim Alyssa E. Mireles			
Brian Buchner Jaime Keene	01/01/18- 12/02/20	Unified Homelessness Response Center – Mayors Office	56.11 “rapid response” “comprehensive cleanup” “trash bags” “trash can*” toilet portapotty porta-potty “Pit Stop” Mobile hygiene unit MHU “the BIN” storage Chrysalis HOPE CARE
Gita O’Neill	01/01/18- 12/02/20	Los Angeles City Attorney’s Office	56.11

1 35. I was involved in some of the negotiations with the City's e-discovery
2 vendor concerning the purchase of extra storage space. I am informed and believe that
3 the City entered into an agreement with the vendor that increased the storage space to
4 make room for the 250 GB of data collected and that the agreement took effect on
5 March 1, 2021.

6 36. Between January 6, 2021 and March 2, 20201, the City reviewed
7 document within the LAPD dataset of 70,623 documents.

8 37. On March 2, 2021, I sent an email to Plaintiffs' counsel stating that the
9 City's e-discovery vendor was working on the next production, which would largely
10 comprise emails from the LAPD dataset and should be produced in the next day or
11 two. In addition:

12 a. I notified Plaintiffs' counsel that the City was over halfway done with
13 reviewing the LAPD documents and would be producing responsive documents over the
14 next few weeks as quickly as possible.

15 b. I also notified Plaintiffs that on February 18, 2021, the City's ITA
16 department completed pulling documents from 29 custodians from (LASAN and
17 UHRC) identified by Plaintiff and delivered them to the e-discovery vendor. This
18 collection totaled approximately 250GB of raw data, which significantly exceeded the
19 storage limit in the City's contract with the vendor and required the City to purchase
20 additional storage. The additional storage space became available on March 1, 2021,
21 and the vendor is in the process of ingesting the new data."

22 c. I reminded Plaintiffs: "As memorialized in various emails, including on
23 December 4th and 7th, the City agreed to the search the custodians and broad search
24 terms provided by Plaintiff as an initial step and if the resulting universe of documents
25 was unreasonably large, the parties would meet and confer about how to further limit it.
26 That is undoubtedly the next step here. While we won't have precise numbers until the
27 data is ingested and deduplicated, if the LAPD dataset is any guide, this new dataset
28 likely contains over half a million documents. Once the documents are ingested and

1 deduplicated, we will assess the data and meet-and-confer about ways to make the
2 review manageable and proportional to the needs of the case.”

3 **A true and correct copy of my March 2, 2021 email is attached to this**
4 **declaration as Ex. 23.**

5 38. Plaintiffs’ counsel never responded to my March 2, 2021 email and the
6 Parties have not met and conferred about the 250GB dataset.

7 39. On March 5, 2021, the City produced 4,650 documents from the LAPD
8 dataset [CTY020442 - CTY029531], which included emails about specific cleanup
9 locations, 2020 UHRC Deployment Confirmation CARE and CARE+ sheets, Daily
10 Activities and Information from UHRC dating back to 2018, metrics related to
11 homelessness, and descriptions on trainings and policy group meetings.

12 40. The City continued reviewing emails from the LAPD dataset of 70,623
13 from March 5, 2021 to the present. As of the date of this declaration, approximately
14 16,000 documents in that dataset have not yet been reviewed.

15 41. On March 18, 2021, Plaintiffs served their portion of the joint stipulation
16 to compel production of documents that is the subject of the present motion. To my
17 knowledge, Plaintiffs did not notify the City that they intended to serve the joint
18 stipulation nor the grounds upon which their motion to compel would be based. To my
19 knowledge, Plaintiffs did not notify the City before serving the joint stipulation as to
20 any of the Plaintiff-specific or policy-related documents Plaintiffs allege to be
21 “missing” from the City’s production.

22 42. On March 24, 2021, the City produced 19,068 documents from the LAPD
23 dataset of 70,623 documents [CTY029532 - CTY092976]. This production included
24 quarterly reports on homelessness, emails discussing training and policies/procedures
25 related to encampment cleanups, complaints regarding homeless encampments and
26 cleanups, and “Daily UHRC Activities and Information,” which summarize daily
27 activities related to posted clean-ups, illegal dumping, and HOPE Rapid Response
28 locations. These emails attach HE/ID Confirmation Sheet, which is one of the
categories of documents Plaintiffs contend the City has “withheld.”

EXHIBIT 1



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles, Rule 26 conference

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Fri, Jul 17, 2020 at 10:12 AM

To: "Shayla R. Myers" <SMyers@lafla.org>, Scott Marcus <Scott.Marcus@lacity.org>, Jessica Mariani <jessica.mariani@lacity.org>

Cc: Gabriel Dermer <gabriel.dermer@lacity.org>, Felix Lebron <felix.lebron@lacity.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, "Onufer, Michael" <michael.onufer@kirkland.com>, Cathy Sweetser <catherine.sdshh@gmail.com>

Counsel:

This email follows up on our Rule 26(f) call on Monday. On the call, the City proposed trying the case in two phases in conjunction with a stipulation by the City regarding *Monell* liability: Phase I would be a jury trial on the issues of liability and monetary damages and Phase II would be a court trial on equitable relief. Per your request, attached is a written version of that proposal. As we stated on the call, we believe this proposal has numerous benefits to both parties, including that it would streamline the issues and discovery and allow for an earlier trial date. Please let us know your thoughts on the proposal.

On a related note, below are the City's suggested dates for the proposed Phase I trial:

- (a) Phase I Trial Date – July 27, 2021 – Jury Trial - 5 days**
- (b) Final Pretrial Conference – June 28, 2020**
- (c) PTCO – June 17, 2021** (11-days before pretrial conference L.R. 16-7.1)
- (d) Witness List, Exhibit List, Memo of Law & Fact – June 15, 2021** (7 weeks before trial per Scheduling Order)
- (e) Motion Cutoff – April 19, 2021** (12 weeks before trial per Scheduling Order)
- (f) Rule 26(a)(3)(B) Pretrial Disclosures/Supplements – June 25, 2021** (proposed change to default date under Rule 26(a)(3)(B))
- (g) Non-expert Discovery Cutoff – February 2, 2021** (Scheduling Order: 21+ weeks before trial)
- (h) Expert Discovery Cutoff – March 2, 2021** (Scheduling Order: 21+ weeks before trial)
- (i) Expert Disclosures – Jan. 15, 2021** (change to Rule 26(a)(2)(D)(i) default of 90 days before trial)
- (j) Rebuttal disclosures – Feb. 15, 2021** (30 days after expert disclosures)
- (k) ADR Completion Date – May 4, 2021** (12 weeks before trial per Scheduling Order; LR16-15 ADR Choice – Magistrate Judge Abrams)
- (l) Last Day to join parties or amend pleadings – Nov. 2, 2020** (Scheduling Order: 32+ weeks before trial)
- (m) Rule 26(a) Initial Disclosures – July 27, 2020** (default 14 days after Rule 26(f) meet-and-confer)

We look forward to hearing your thoughts.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles

Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Jul 10, 2020 at 4:18 PM Patricia Ursea <patricia.ursea@lacity.org> wrote:

Thank you. We are available for the Rule 26(f) meet-and-confer on Monday at 2:00 pm.

Have a good weekend.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
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On Thu, Jul 9, 2020 at 8:17 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We are available on Monday from 2-4.30 for the Rule 26 conference. Unfortunately, we will not be able to conduct the requested Rule 7.3 meeting regarding Defendants' Motion for Judgement on the Pleadings at the same time, as the attorney who will be attending that is unavailable that day, and as you know, Monday is the last day in which to conduct the Rule 26 conference. We will get back to you with proposed times for the requested Rule 7 conference.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Monday, July 6, 2020 12:46 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Gabriel Dermer <gabriel.dermer@lacity.org>; Felix Lebron <felix.lebron@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Onufer, Michael <michael.onufer@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles, Rule 26 conference

Hi Shayla,

Thank you for reaching out on this. The dates/times you proposed unfortunately do not work for us. Would you be available for a conference on Friday afternoon or sometime Monday? Please let us know.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
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On Thu, Jul 2, 2020 at 4:06 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

The Court has calendared a scheduling conference, so we assume the City is now prepared to participate in a rule 26 conference. We are currently available for the conference on Wednesday, July 8 from 2 to 4 or on Thursday, July 9 from 9-11 a.m. or at noon. Please let us know when you are available to meet, and we will circulate a conference number.

In light of the Court's order that the parties begin discovery actively before the scheduling conference and to abide by the letter and spirit of Rule 26, we anticipate that we will have a productive discussion about how to proceed with discovery.

We look forward to speaking with you next week.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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Garcia - Defendant's Phasing Proposal (7-17-20).docx
21K

EXHIBIT 2

Garcia v. City of Los Angeles - Defendant's Phasing Proposal (July 17, 2020)

Phase I – Jury Trial

1. Did any City employee cause any Plaintiff to suffer a violation of constitutional rights as alleged in the Second Amended Complaint?
2. Does KFA have Article III standing?
3. Is the Bulky Item Provision facially unconstitutional?
4. Did any City employee violate the Bane Civil Rights Act as alleged by Ali El-Bey in the Second Amended Complaint?
5. Did any City employee violate a mandatory duty under California Civil Code Section 2080 et seq. as alleged in Second Amended Complaint?
6. What monetary damages are Plaintiffs entitled to?

Phase II (if necessary) – Court Trial

1. Are Plaintiffs are entitled to permanent injunctive relief?
2. If so, what is the appropriate nature and scope of the permanent injunctive relief?

Proposed Stipulation

1. To avoid costly and protracted discovery and litigation in this case over municipal liability under *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978), the City agrees to entry of judgment against the City—without Plaintiffs having to prove that the violation resulted from a City policy, custom, or practice as required by *Monell*—for compensatory damages and, to the extent allowed by the Court, reasonable attorney's fees pursuant to 42 U.S.C. §1988, if the finder of fact finds in Phase I of this action that an employee of the City violated a Constitutional right of any Plaintiff as alleged in the Second Amended Complaint. The City will not be liable, however, for any award of punitive damages.
2. The terms of this Stipulation also apply if the Court determines in Phase I on a motion for summary judgment or other dispositive motion based on the merits of the case, that an employee of the City violated a constitutional right of any Plaintiff as alleged in the Second Amended Complaint.
3. Nothing in this stipulation is intended to preclude Plaintiffs (or the City) from seeking any discovery in Phase I or II that is relevant to the issues in the respective phases, pursuant and subject to the Federal Rules of Civil Procedure. The City does not intend to waive any objections to any discovery in Phase I or II, including on the grounds of relevance, proportionality, undue burden and any other objections available under the Federal Rules of Civil Procedure.
4. In agreeing to the terms of this stipulation, the City does not intend to waive its right to challenge the Plaintiffs' entitlement to a permanent injunction or the nature or scope of any such permanent injunction, which would be litigated, if at all, in Phase II of this case. With the exception of the terms stated in Paragraph 1 of this stipulation, the City does not intend to waive any other arguments or defenses in Phase I or Phase II of this case, including but not limited to arguments related to Plaintiffs' state law claims and/or challenges to the Court's jurisdiction.

EXHIBIT 3



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Los Angeles, CA 90003
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Writer's Direct Line (213) 640-3983

Our File Number 19-1306127

VIA EMAIL ONLY

July 30, 2020

Patricia Ursea
Felix Labron
Gabriel Dermer
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

Counsel,

We have reviewed the City's proposed phasing of discovery and trial, and now Mr. Lebron's email stating his view that Ktown for All would be dismissed from this case if the City were to prevail on its motion regarding Ktown for All's claims under 42 U.S.C. Section 1983. The City's position with respect to both issues, as well as some of its positions regarding the scope of discovery appear to result from its misconception of Plaintiffs' claims and the relief they are seeking. Specifically, neither position takes into account all Plaintiffs' requests for declaratory judgment and injunctive relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a), 2202.

The Declaratory Judgment Act allows a party that has Article III standing to seek a declaratory judgment and injunctive relief related to the "actual controversy" that conferred Article III standing. 28 U.S.C. § 2201(a). That is what Ktown for All seeks here. As you note in the status conference report, the Court correctly interpreted "KFA's claims in the SAC as seeking only to obtain a ruling that the policies and practices are unconstitutional and not that each past application of those practices to its members was unconstitutional." *See* Dkt. No. 65 at 7. Likewise, the other Plaintiffs also seek the same relief. This relief—a declaratory judgment and an injunction—is not based solely on the individual incidents enumerated in the Second Amended Complaint ("SAC")—in fact, the Court struck any possible claims by Ktown for All that related to individual incidents, *see* Dkt. No. 65 at 7 n. 4. Instead, the request relates to the City's policies and practices and its ongoing enforcement of LAMC 56.11. For that matter, to seek declaratory and injunctive relief, Plaintiffs are not required to show that they were subjected to unlawful enforcement, only that they are at risk of imminent harm. The same is true when an organization challenges the constitutionality of an ordinance on behalf of its members. *See United Food and Commercial Workers Intern. Union, AFL-CIO, CLC v. IBP, Inc.*, 857 F.2d 422, 427 (8th Cir. 1988).

As we understand the City's contemplated Motion for Judgement on the Pleadings, it relates to Ktown for All's claims under 42 U.S.C. Section 1983. If the City prevails on this motion, it will not

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Page 2 of 3

Letter to City of Los Angeles

re: Scope of SAC and Proposal for Phased Trial

impact Ktown for All's claim for relief under 28 U.S.C. 2201. This Court has thrice ruled that Ktown for All has properly pled standing to challenge the City's policies and practices related to the enforcement of LAMC 56.11. This is all that is required under the Declaratory Judgments Act for Plaintiffs to seek a declaration and corresponding injunctive relief related to the "case or controversy" that gives Plaintiffs Article III standing. *See Societe de Conditionnement en Aluminium v. Hunter Engineering Co., Inc.*, 655 F.2d 938, 942 (9th Cir. 1981). While we understand the City continues to dispute the Court's rulings on Ktown for All's standing, as of now, this remains a viable basis for Ktown for All's continued litigation against the City. *See County of Santa Clara v. Trump*, 267 F.Supp.3d 1201, 1215–16 (N.D.Cal., 2017)(as long as plaintiff satisfies the case or controversy requirement, it need not have "some other independent statutory right to bring a plausible claim for declaratory relief").

We also believe that the City's proposed phasing is predicated on the same misconception of Plaintiffs' claims for relief. Since Ktown for All and the individual Plaintiffs' request for a declaratory injunction and injunctive relief do not rest on the individual incidents specifically enumerated in the complaint, we do not see how the City's proposed phasing would preserve resources or eliminate the need for discovery. Having a two-phased trial would be duplicative because evidence of the individual incidents that would be raised in the first phase would still be relevant in the second phase. And in order to adjudicate Plaintiffs' request for a declaratory judgment and injunctive relief, the second phase would be inevitable, regardless of the rulings on the individual causes of action.

Phasing discovery would be not only duplicative and inefficient for the same reason as a phased trial, but it would also be unworkable here, given the already extremely contentious nature of this case. This is demonstrated most clearly by the parties' inability to agree even about the scope of past efforts to meet and confer. Dividing up discovery into phases would inevitably lead to more disputes about the scope of phased discovery, in addition to the scope of discovery. Rather than eliminating the need for court intervention, it would exacerbate it.

Plaintiffs appreciate Ms. Ursea's attempt to consider ways to preserve resources, but this proposal would not do so. We remain open to revisiting this question in the future, if it appears that bifurcating the individual damages claims would be helpful or if resolving any of the questions posed by Plaintiffs' declaratory relief action would eliminate the need for further litigation. But at this point, we believe it is unnecessary and premature to decide any of these issues now.

Finally, it appears that many of the disputes between the parties related to the scope of discovery stem from the City's limited view of this litigation and Plaintiffs' complaint. While it is our view that the SAC speaks for itself and is more than sufficient to meet the notice pleading standard under Rule 8 of the Federal Rules of Civil Procedure, *see e.g., County of Santa Clara*, 267 F.Supp.3d at 1215, we are hopeful that at least some of the disagreements between the parties stem from the City's misconceptions about the scope of the case, which should be clarified by this letter.

If the City disagrees with any of these points, please let us know so we can meet and confer about these disputes. We strongly contend that the SAC is sufficient, and nothing about this request should be construed as waiving any argument to that point. But it is clear that the parties have considerable disputes about this case, and we are amenable to attempting to resolve some of those

Page 3 of 3

Letter to City of Los Angeles

re: Scope of SAC and Proposal for Phased Trial

disputes in order to preserve judicial resources by preventing unnecessary motion practice. We request the City do so prior to filing its motion for judgment on the pleadings.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Myers". The signature is fluid and cursive, with a large, stylized "S" and a long, sweeping underline.

Shayla Myers

Legal Aid Foundation of Los Angeles

Benjamin Herbert

Kirkland & Ellis LLP

Michael Onufer

Kirkland & Ellis LLP

Catherine Sweetser

Schonbrun Seplow Harris Hoffman and Zeldes LLP

EXHIBIT 4

Shayla Myers (SBN 264054)
Mallory Andrews (SBN 312209)
Alex E Flores (SBN 303552)
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*Attorneys for Gladys Zepeda, Miriam Zamora,
Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF ALI EL-BEY'S
OBJECTIONS AND RESPONSES
TO DEFENDANT CITY OF LOS
ANGELES' SPECIAL
INTERROGATORIES (SET ONE)**

PROPOUNDING PARTY: Defendant City of Los Angeles

RESPONDING PARTY: Plaintiff Ali El-Bey

SET: One

1 Catherine Sweetser (SBN 271142)
2 Kristina Harootun (SBN 308718)
3 John Washington (SBN 315991)
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27 *Attorneys for Plaintiffs Ktown for All, Janet Garcia,*
28 *Peter Diocson Jr., Marquis Ashley, Ali El-Bey*

Ali El- Bey, through his undersigned counsel, hereby provides his objections to City of Los Angeles' ("City") First Set of Special Interrogatories to Plaintiff Ali El-Bey, served on August 14, 2020, as follows:

PRELIMINARY STATEMENT

Despite having undertaken a diligent effort to respond to these discovery requests, Plaintiff Ali El-Bey reserves the right to amend or supplement these responses and objections herein if necessary, at a later date, and to use subsequently discovered facts and facts known but whose relevance, significance, or applicability has not yet been ascertained.

1. The objections below are based upon information known or believed to be true by Plaintiff at the time of responding. Plaintiff and his attorneys have not completed their discovery, investigation, or preparation for trial, nor have they concluded their analysis of information gathered to date. Future discovery and independent investigation may supply additional facts or information, add meaning to known facts, and may establish entirely new factual conclusions or contentions. Thus, Plaintiff and his attorneys reserve the right to supplement and/or amend these responses and objections pursuant to the Federal Rules of Civil Procedure and applicable law.

2. Plaintiff's objections are made without in any way waiving or intending to waive, and instead Plaintiff preserves and intends to preserve the following:

a. The right to raise all questions of authenticity, relevancy, materiality, privilege or admissibility with respect to the information provided and the documents identified and/or produced in response to these Special Interrogatories, which may arise in any subsequent proceeding, including the trial of this or any other action;

b. The right to object to the use of the information and/or documents in any subsequent proceeding, including the trial of this or any other action;

1 c. The right to make subsequent responses if Plaintiff and/or his attorneys
2 uncover additional information and/or documents called for by these Special
3 Interrogatories, as Plaintiff's investigation of the facts and the evidence pertinent to
4 this action is continuing.

5 3. Words and terms used in the below responses and/or objections shall be
6 construed in accordance with their normal meanings and connotations, and shall in no
7 way be interpreted as terms of art or statutorily defined terms, and Plaintiff
8 specifically disavows any such meaning or connotation that might be accorded to
9 such terms unless specifically stated otherwise.

10 4. Nothing in these responses and/or objections is an admission by Plaintiff of
11 the existence, relevance, or admissibility of any information, for any purpose, or the
12 truth or accuracy of any statement or characterization contained in the response.

13 **GENERAL OBJECTIONS**

14
15 The following general objections are made to each and every request and are
16 deemed to be incorporated into the specific objections and responses provided to each
17 request:

18 1. Plaintiff bases these objections and responses on the assumption that
19 Defendant, in propounding these interrogatories, did not intend to seek information
20 protected against discovery by the attorney-client privilege, the work-product
21 doctrine, or documents that contain or reflect the impressions, conclusion, opinion,
22 legal research or theories of Plaintiff's attorneys or their agents. To the extent that
23 Defendant's interrogatories, or any part thereof, are intended to elicit such
24 information, Plaintiff objects thereto and asserts the privileges provided in and by the
25 foregoing doctrines to the fullest extent permitted by law. Nothing contained in these
26 responses should be considered a waiver of any attorney-client privilege, work-
27 product protection, or any other applicable privilege or doctrine. Plaintiff does not
28

1 intend to produce documents that would divulge any privileged information. Any
2 such disclosure is inadvertent and shall not be deemed a waiver of any applicable
3 privilege or immunity.

4 2. Plaintiff objects to these interrogatories to the extent that they seek
5 information protected from disclosure by the right to privacy, or any other applicable
6 privilege. To the extent that Defendant's interrogatories, or any part thereof, are
7 intended to elicit such information, Plaintiff objects thereto and asserts the privileges
8 provided in and by the foregoing doctrines to the fullest extent permitted by law.

9 3. Plaintiff objects to each interrogatory to the extent that it purports to impose
10 discovery obligations exceeding those provided for in the Federal Rules of Civil
11 Procedure or the Local Rules for the United States District Court for the Central
12 District of California, orders entered in this case, or agreements among the parties.

13 4. Plaintiff objects to the "Definitions" and "Instructions and Applicable
14 Rules" to the extent that they seek to impose requirements or obligations in addition
15 to or different from those imposed by the Federal Rules of Civil Procedure or the
16 Local Rules for the United States District Court for the Central District of California,
17 orders in this case, or agreements among the parties. Plaintiff further objects to the
18 "Definitions" and "Instructions and Applicable Rules" to the extent they purport to
19 alter the plain meaning and/or scope of any specific request, on the ground that such
20 alteration renders the interrogatory vague, ambiguous, unduly broad, and/or
21 uncertain, by failing to adequately define terms or by using terms the meaning of
22 which are not readily available or decipherable. Plaintiff will not undertake, assume,
23 or comply with the "Definitions" and "Instructions and Applicable Rules" to the
24 extent they exceed the Federal Rules of Civil Procedure or the Local Rules for the
25 United States District Court for the Central District of California. Plaintiff's
26 responses shall not be construed as an admission, agreement, or acquiescence in any
27 Definition or Instruction.

1 5. Plaintiff objects to each interrogatory to the extent that it is cumulative or
2 duplicative.

3 6. Plaintiff is responding to each interrogatory as it interprets and understands
4 each interrogatory with respect to the issues in this action. If the City asserts a
5 different interpretation of any interrogatory, Plaintiff reserves the right to supplement
6 or amend its responses and/or objections.

7 7. Plaintiff objects to each request to the extent that it is overly broad, unduly
8 burdensome, and/or calls for the production of documents or things that are neither
9 relevant to any claim or defense in this action nor reasonably likely to lead to the
10 discovery of admissible evidence.

11 8. Plaintiff objects to each request to the extent that it calls for information
12 and/or production of documents and/or things that are not within Plaintiff's
13 possession, custody, or control, or calls for Plaintiff to prepare documents and/or
14 things that do not already exist.

15 9. Plaintiff objects to each interrogatory to the extent that it calls for responses
16 that are publicly available or equally available to City, and therefore are of no greater
17 burden for City to obtain than for Plaintiff to obtain.

18 10. Plaintiff objects to each request to the extent that it is vague, ambiguous, or
19 confusing due to City's failure to define terms or failure to describe the information
20 sought with reasonable particularity.

21 11. Plaintiff objects to any factual characterizations in City's interrogatories.
22 By responding, Plaintiff does not accept or admit any of City's factual
23 characterizations.

24 12. Plaintiff's discovery and investigation in connection with this case are
25 ongoing. As a result, Plaintiff's responses concern information obtained and
26 reviewed to date, and the objections, limitations, and responses contained in these
27 response are subject to and without waiver of any right of Plaintiff to: (a) object to
28

1 other discovery requests directed to the subject matter of the requests and this
2 response; (b) make additional or supplementary objections to the Requests; and (c)
3 revise, correct, supplement, or clarify the contents of this Response, after considering
4 information obtained or review through further discovery and investigation.

5 13. No objections, limitation, or response, or lack thereof, made herein shall be
6 deemed an admission by Plaintiff as to the existence or non-existence of any
7 information, and shall not be construed in any way as an admission that any
8 definition provided by the City is either factually correct or legally binding upon
9 Plaintiff, or as a waiver of any of Plaintiff's objections, including but not limited to
10 objections regarding discoverability of other evidence. Plaintiff's enumeration of
11 specific objections in response to each request is not, and should not be construed to
12 be, a waiver of any objection not so specified.

13 14. By identifying or producing any information, documents and/or things, or
14 persons with knowledge, in response to any interrogatory, Plaintiff does not stipulate,
15 and expressly reserves all objections, to the authenticity, relevance, materiality, and
16 admissibility of any such information.

17 15. If Plaintiff provides information in response to any request, Plaintiff
18 reserves the right to provide additional information that may come to his attention or
19 become available in the future or to use such information in any hearing or
20 proceeding in this litigation or any other action.

21 16. Any response by Plaintiff that he will produce documents, responses,
22 and/or materials should not be construed to mean that responsive documents in fact
23 exist; only that, if such relevant, non-privileged, non-objectionable documents exist,
24 are in Plaintiff's possession, custody, or control, and are located after a reasonable
25 search of the location or locations where responsive documents are most likely to be
26 located, they will be produced in a timely manner.

1 These general objections are incorporated into each of the responses set forth
2 below:

3
4 **RESPONSES TO INTERROGATORIES**

5
6 **SPECIAL INTERROGATORY NO. 1:**

7 IDENTIFY by type, amount, and category all damages YOU seek for the
8 claims alleged in YOUR COMPLAINT.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

10 Plaintiff incorporates his General Objections as though set forth fully herein.
11 Plaintiff specifically objects on the ground that the information sought is equally
12 available and/or known to City through its own reports of items taken by the City, its
13 witnesses, related agencies, and its agents, and through Plaintiff's filed government
14 tort claims. Plaintiff also objects to the extent this interrogatory is overly broad and
15 unduly burdensome given the amount of items taken and Plaintiff's unhoused status
16 and thus inability to keep and maintain contemporaneous records.

17 Plaintiff objects that discovery is still ongoing and reserves the right to
18 supplement this response should relevant information be discovered at a later
19 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
20 (permitting delay in responses until designated discovery completed); *Lucero v.*
21 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

22 **SPECIAL INTERROGATORY NO. 2:**

23 State with particularity the method by which YOU quantified or calculated the
24 damages identified in response to Interrogatory No. 1.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

26 Plaintiff incorporates his General Objections as though set forth fully herein.
27 Plaintiff also objects to the extent this interrogatory is overly broad and unduly
28

1 burdensome given the amount of items taken and Plaintiff's unhoused status and thus
2 inability to keep and maintain contemporaneous records.

3 Plaintiff objects that discovery is still ongoing and reserves the right to
4 supplement this response should relevant information be discovered at a later
5 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
6 (permitting delay in responses until designated discovery completed); *Lucero v.*
7 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

8
9 **SPECIAL INTERROGATORY NO. 3:**

10 IDENTIFY all facts supporting any damages that YOU contend YOU have
11 suffered as a result of the conduct alleged in YOUR COMPLAINT.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

13 Plaintiff incorporates his General Objections as though set forth fully herein.
14 Plaintiff specifically objects that "state all facts" interrogatories of this kind are
15 unduly burdensome, harassing, overly broad, and an improper use of the discovery
16 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
17 1998) (providing "every fact" could require "laborious, time consuming analysis,
18 search and description of incidental, secondary, and perhaps irrelevant and trivial
19 details."). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447-48 (C.D.
20 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427-28 (N.D. Cal. 1989) (same).
21 Plaintiff also objects that this interrogatory is vague, ambiguous, overly broad and
22 compound. Plaintiff further objects on the ground that this interrogatory calls for a
23 legal conclusion and on the ground that the information requested is in the possession
24 of the Defendants. Additionally, Plaintiff objects to the extent this interrogatory calls
25 for attorney work product and attorney client communications.

26 Plaintiff also objects that discovery is still ongoing and reserves the right to
27 supplement this response should relevant information be discovered at a later
28

1 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
2 (permitting delay in responses until designated discovery completed); *Lucero v.*
3 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

4
5 **SPECIAL INTERROGATORY NO. 4:**

6 Do YOU claim to have experienced emotional distress as a result of the CITY
7 allegedly taking and destroying YOUR property on January 10, 2019 and/or June 4,
8 2019 as alleged in YOUR COMPLAINT?

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

10 Plaintiff incorporates his General Objections as though set forth fully herein.
11 Plaintiff objects that discovery is still ongoing and reserves the right to supplement
12 this response should relevant information be discovered at a later date. *See Braun*
13 *Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in
14 responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591,
15 594 (D. N.M. 2007).

16
17 **SPECIAL INTERROGATORY NO. 5:**

18 If your answer to Interrogatory No. 4 was yes, explain with specificity the
19 nature of the emotional distress.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

21 Plaintiff incorporates his General Objections as though set forth fully herein.
22 Plaintiff specifically objects that “state all facts” interrogatories of this kind are
23 unduly burdensome, harassing, overly broad, and an improper use of the discovery
24 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
25 1998) (providing “every fact” could require “laborious, time consuming analysis,
26 search and description of incidental, secondary, and perhaps irrelevant and trivial
27 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.

Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same). Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and compound. Plaintiff further objects on the ground that this interrogatory calls for a legal conclusion and on the ground that the information requested is in the possession of the Defendants. Plaintiff objects that discovery is still ongoing and reserves the right to supplement this response should relevant information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

SPECIAL INTERROGATORY NO. 6:

If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who has knowledge of any fact pertaining to the emotional distress.

RESPONSE TO SPECIAL INTERROGATORY NO. 6:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff specifically objects to the extent the interrogatory seeks information covered by attorney work-product or the attorney-client privilege. Plaintiff also objects to the extent this interrogatory is overly broad and unduly burdensome given the amount of items taken and Plaintiff unhoused status and thus inability to keep and maintain contemporaneous records. Plaintiff objects that this interrogatory is overbroad and unduly burdensome and vague and ambiguous in asking for all persons with knowledge of any fact. Plaintiff further objects that this interrogatory asks for information not proportional to the needs of the case. Plaintiff also objects based on the right to privacy, including the privacy of third parties. Plaintiff objects that discovery is still ongoing and reserves the right to supplement this response should relevant information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until

1 designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M.
2 2007). Additionally, Plaintiff objects to the extent that facts and City employees
3 present at the scene are publicly available or more readily available to the City of Los
4 Angeles. Plaintiff continues to reserve the right to supplement these responses at a
5 later date, as discovery is ongoing.

6
7 **SPECIAL INTERROGATORY NO. 7:**

8 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
9 can compare your emotional condition prior to and following the incidents of January
10 10, 2019 and/or June 4, 2019 as alleged in YOUR COMPLAINT.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

12 Plaintiff incorporates his General Objections as though set forth fully herein.
13 Plaintiff specifically objects to the extent this interrogatory seeks information covered
14 by attorney-work product or the attorney-client privilege. Plaintiff also objects to the
15 extent this interrogatory is overly broad and unduly burdensome given the amount of
16 items taken and Plaintiff's unhoused status and thus inability to keep and maintain
17 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
18 unduly burdensome and vague and ambiguous in asking for all persons with
19 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
20 information not proportional to the needs of this case. Plaintiff objects based on the
21 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
22 is still ongoing and reserves the right to supplement this response should relevant
23 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
24 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
25 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).
26 Plaintiff continues to reserve the right to supplement these responses at a later date,
27 as discovery is ongoing.

SPECIAL INTERROGATORY NO. 8:

IDENTIFY each piece of property YOU claim the CITY destroyed for which YOU are seeking damages and the exact monetary value of each item.

RESPONSE TO SPECIAL INTERROGATORY NO. 8:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff specifically objects on the ground that the information sought is equally available and/or known to City through its own reports of items taken by the City, its witnesses, and its agents, and through Plaintiff's filed government tort claims. Plaintiff further specifically objects that the interrogatory is ambiguous as to the term "damages" and whether the term refers solely to monetary relief. Plaintiff also objects to the extent this interrogatory is overly broad and unduly burdensome given the amount of items taken and Plaintiff's unhoused status and thus inability to keep and maintain contemporaneous records.

Plaintiff objects that discovery is still ongoing and reserves the right to supplement this response should relevant information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

SPECIAL INTERROGATORY NO. 9:

IDENTIFY all facts REFERRING OR RELATING TO YOUR allegation in paragraph 173 of YOUR COMPLAINT that "[you] experience frequent harassment from... law enforcement officers".

RESPONSE TO SPECIAL INTERROGATORY NO. 9:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff also objects on the ground that the information sought is equally available

1 and/or known to City through its own reports of items taken by the City, its
2 witnesses, and its agents, and through Plaintiff's filed government tort claims.
3 Plaintiff specifically objects to the extent this interrogatory calls for "all facts" about
4 Plaintiff's damages and on the grounds that "state all facts" interrogatories of this
5 kind are unduly burdensome, harassing, overly broad, and an improper use of the
6 discovery process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321
7 (D. Kan. 1998) (providing "every fact" could require "laborious, time consuming
8 analysis, search and description of incidental, secondary, and perhaps irrelevant and
9 trivial details."). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447-48
10 (C.D. Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427-28 (N.D. Cal. 1989) (same).
11 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
12 compound. Plaintiff further objects to the extent that this interrogatory calls for
13 attorney work product and attorney client communications.

14 Plaintiff objects that discovery is still ongoing and reserves the right to
15 supplement this response should relevant information be discovered at a later
16 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
17 (permitting delay in responses until designated discovery completed); *Lucero v.*
18 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

19
20 **SPECIAL INTERROGATORY NO. 10:**

21 IDENTIFY all PERSONS with knowledge of the facts stated in YOUR
22 response to Interrogatory No. 9.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

24 Plaintiff incorporates his General Objections as though set forth fully herein.
25 Plaintiff specifically objects to the extent the interrogatory seeks information covered
26 by attorney work-product or the attorney-client privilege. Plaintiff objects that this
27 interrogatory is overly overbroad and unduly burdensome and vague and ambiguous
28

1 because it seeks information not proportional to the needs of the case and given the
2 amount of items taken and Plaintiff's unhoused status and thus inability to keep and
3 maintain contemporaneous records. Plaintiff also objects based on the right to
4 privacy, including the privacy of third parties. Plaintiff further objects that discovery
5 is still ongoing and reserves the right to supplement this response should relevant
6 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
7 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
8 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

9
10
11 **SPECIAL INTERROGATORY NO. 11:**

12 IDENTIFY all facts supporting YOUR allegation in paragraph 180 of YOUR
13 COMPLAINT that "when [you] requested additional time to remove [your] ID,
14 medication, and [your] tent, one of the LAPD officers threatened [you] with arrest."

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

16 Plaintiff incorporates his General Objections as though set forth fully herein.
17 Plaintiff also objects on the ground that the information sought is equally available
18 and/or known to City through its own reports of items taken by the City, its
19 witnesses, and its agents, and through Plaintiff's filed government tort claims.
20 Plaintiff specifically objects to the extent this interrogatory calls for "all facts" about
21 Plaintiff's damages. "State all facts" interrogatories of this kind are unduly
22 burdensome, harassing, overly broad, and an improper use of the discovery
23 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
24 1998) (providing "every fact" could require "laborious, time consuming analysis,
25 search and description of incidental, secondary, and perhaps irrelevant and trivial
26 details."). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447-48 (C.D.
27 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427-28 (N.D. Cal. 1989) (same).

1 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
2 compound. Plaintiff further objects on the ground that this interrogatory calls for a
3 legal conclusion and on the ground that the information requested is in the possession
4 of the Defendants. Plaintiff also objects to the extent that this interrogatory calls for
5 attorney work product and attorney client communications.

6 Plaintiff objects that discovery is still ongoing and reserves the right to
7 supplement this response should relevant information be discovered at a later
8 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
9 (permitting delay in responses until designated discovery completed); *Lucero v.*
10 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

11
12 Dated: September 14, 2020 Respectfully submitted,

13 LEGAL AID FOUNDATION OF LOS ANGELES
14

15 /s/ Alex E Flores

16 Alex E Flores

17 *Attorneys for Plaintiffs Gladys Zepeda, Miriam*
18 *Zamora, Ali El-Bey, Pete Diocson Jr., Marquis*
19 *Ashley, James Haugabrook, and Ktown for All*
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, La Tonya Fountain, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On September 14, 2020, I served the following document(s) described as:

**PLAINTIFF ALI EL-BEY'S OBJECTIONS AND RESPONSES TO
DEFENDANT CITY OF LOS ANGELES' SPECIAL INTERROGATORIES**

on the interested parties in this action as follows:



E-MAIL


By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the email transmission is returned as undeliverable.

GABRIEL DERMER,
gabriel.dermer@lacity.org
FELIX LEBRON,
felix.lebron@lacity.org,
A. PATRICIA URSEA,
patricia.ursea@lacity.org,
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012
Telephone: (213) 978-7559
Facsimile: (213) 978-7011

Attorneys for Defendant, CITY OF LOS ANGELES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 14, 2020, at Los Angeles, California.



La Tonya D. Fountain

Shayla Myers (SBN 264054)
Mallory Andrews (SBN 312209)
Alex Flores (SBN 303552)
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*Attorneys for Gladys Zepeda, Miriam Zamora,
Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF JANET GARCIA'S
OBJECTIONS AND RESPONSES
TO DEFENDANT CITY OF LOS
ANGELES' SPECIAL
INTERROGATORIES (SET ONE)**

PROPOUNDING PARTY: Defendant City of Los Angeles

RESPONDING PARTY: Plaintiff Janet Garcia

SET: One

1 Catherine Sweetser (SBN 271142)
2 Kristina Harootun (SBN 308718)
3 John Washington (SBN 315991)
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27 *Attorneys for Plaintiffs Ktown for All, Janet Garcia,*
28 *Peter Diocson Jr., Marquis Ashley, Ali El-Bey, and*
Association for Responsible and Equitable Public
Spending

1 Janet Garcia, through her undersigned counsel, hereby provides her objections
2 and responses to City of Los Angeles' (the "City") First Set of Special Interrogatories
3 to Plaintiff Janet Garcia, served on August 14, 2020, as follows:
4

5 **PRELIMINARY STATEMENT**

6 Despite having undertaken a diligent effort to respond to these discovery
7 requests, Plaintiff Janet Garcia reserves the right to amend or supplement these
8 responses and objections herein if necessary at a later date, and to use subsequently
9 discovered facts and facts known but whose relevance, significance, or applicability
10 has not yet been ascertained.

11 1. The responses and objections below are based upon information known or
12 believed to be true by Plaintiff at the time of responding. Plaintiff and her attorneys
13 have not completed their discovery, investigation, or preparation for trial, nor have
14 they concluded their analysis of information gathered to date. Future discovery and
15 independent investigation may supply additional facts or information, add meaning to
16 known facts, and may establish entirely new factual conclusions or contentions. Thus,
17 Plaintiff and her attorneys reserve the right to supplement and/or amend these
18 responses pursuant to the Federal Rules of Civil Procedure and applicable law.

19 2. Plaintiff's responses are made without in any way waiving or intending to
20 waive, and instead Plaintiff preserves and intends to preserve the following:

21 a. The right to raise all questions of authenticity, relevancy, materiality,
22 privilege or admissibility with respect to the information provided and the documents
23 identified and/or produced in response to these Special Interrogatories, which may
24 arise in any subsequent proceeding, including the trial of this or any other action;

25 b. The right to object to the use of the information and/or documents in any
26 subsequent proceeding, including the trial of this or any other action;

27 c. The right to make subsequent responses if Plaintiff and/or her attorneys
28 uncover additional information and/or documents called for by these Special

1 Interrogatories, as Plaintiff's investigation of the facts and the evidence pertinent to
2 this action is continuing.

3 3. Words and terms used in the below responses shall be construed in
4 accordance with their normal meanings and connotations, and shall in no way be
5 interpreted as terms of art or statutorily defined terms, and Plaintiff specifically
6 disavows any such meaning or connotation that might be accorded to such terms
7 unless specifically stated otherwise.

8 4. Nothing in these responses is an admission by Plaintiff of the existence,
9 relevance, or admissibility of any information, for any purpose, or the truth or
10 accuracy of any statement or characterization contained in the response.

11
12 **GENERAL OBJECTIONS**

13 The following general objections are made to each and every request and are
14 deemed to be incorporated into the specific objections and responses provided to each
15 request:

16 1. Plaintiff bases these objections and responses on the assumption that
17 Defendant, in propounding these interrogatories, did not intend to seek information
18 protected against discovery by the attorney-client privilege, the work-product
19 doctrine, or documents that contain or reflect the impressions, conclusion, opinion,
20 legal research or theories of Plaintiff's attorneys or their agents. To the extent that
21 Defendant's interrogatories, or any part thereof, are intended to elicit such
22 information, Plaintiff objects thereto and asserts the privileges provided in and by the
23 foregoing doctrines to the fullest extent permitted by law. Nothing contained in these
24 responses should be considered a waiver of any attorney-client privilege, work-
25 product protection, or any other applicable privilege or doctrine. Plaintiff does not
26 intend to produce documents that would divulge any privileged information. Any
27 such disclosure is inadvertent and shall not be deemed a waiver of any applicable
28 privilege or immunity.

1 2. Plaintiff objects to these interrogatories to the extent that they seek
2 information protected from disclosure by the right to privacy, or any other applicable
3 privilege. To the extent that Defendant's interrogatories, or any part thereof, are
4 intended to elicit such information, Plaintiff objects thereto and asserts the privileges
5 provided in and by the foregoing doctrines to the fullest extent permitted by law.

6 3. Plaintiff objects to each interrogatory to the extent that it purports to impose
7 discovery obligations exceeding those provided for in the Federal Rules of Civil
8 Procedure or the Local Rules for the United States District Court for the Central
9 District of California, orders entered in this case, or agreements among the parties.

10 4. Plaintiff objects to the "Definitions" and "Instructions and Applicable Rules"
11 to the extent that they seek to impose requirements or obligations in addition to or
12 different from those imposed by the Federal Rules of Civil Procedure or the Local
13 Rules for the United States District Court for the Central District of California, orders
14 in this case, or agreements among the parties. Plaintiff further objects to the
15 "Definitions" and "Instructions and Applicable Rules" to the extent they purport to
16 alter the plain meaning and/or scope of any specific request, on the ground that such
17 alteration renders the interrogatory vague, ambiguous, unduly broad, and/or uncertain,
18 by failing to adequately define terms or by using terms the meaning of which are not
19 readily available or decipherable. Plaintiff will not undertake, assume, or comply with
20 the "Definitions" and "Instructions and Applicable Rules" to the extent they exceed
21 the Federal Rules of Civil Procedure or the Local Rules for the United States District
22 Court for the Central District of California. Plaintiff's responses shall not be
23 construed as an admission, agreement, or acquiescence in any Definition or
24 Instruction.

25 5. Plaintiff objects to each interrogatory to the extent that it is cumulative or
26 duplicative.

27 6. Plaintiff is responding to each interrogatory as it interprets and understands
28 each interrogatory with respect to the issues in this action. If the City asserts a

1 different interpretation of any interrogatory, Plaintiff reserves the right to supplement
2 or amend its responses and/or objections.

3 7. Plaintiff objects to each request to the extent that it is overly broad, unduly
4 burdensome, and/or calls for the production of documents or things that are neither
5 relevant to any claim or defense in this action nor reasonably likely to lead to the
6 discovery of admissible evidence.

7 8. Plaintiff objects to each request to the extent that it calls for information
8 and/or production of documents and/or things that are not within Plaintiff's
9 possession, custody, or control, or calls for Plaintiff to prepare documents and/or
10 things that do not already exist.

11 9. Plaintiff objects to each interrogatory to the extent that it calls for responses
12 that are publicly available or equally available to City, and therefore are of no greater
13 burden for City to obtain than for Plaintiff to obtain.

14 10. Plaintiff objects to each request to the extent that it is vague, ambiguous, or
15 confusing due to City's failure to define terms or failure to describe the information
16 sought with reasonable particularity.

17 11. Plaintiff objects to any factual characterizations in City's interrogatories.
18 By responding, Plaintiff does not accept or admit any of City's factual
19 characterizations.

20 12. Plaintiff's discovery and investigation in connection with this case are
21 ongoing. As a result, Plaintiff's responses concern information obtained and reviewed
22 to date, and the objections, limitations, and responses contained in these response are
23 subject to and without waiver of any right of Plaintiff to: (a) object to other discovery
24 requests directed to the subject matter of the requests and this response; (b) make
25 additional or supplementary objections to the Requests; and (c) revise, correct,
26 supplement, or clarify the contents of this Response, after considering information
27 obtained or review through further discovery and investigation.
28

1 13. No objections, limitation, or response, or lack thereof, made herein shall be
2 deemed an admission by Plaintiff as to the existence or non-existence of any
3 information, and shall not be construed in any way as an admission that any definition
4 provided by the City is either factually correct or legally binding upon Plaintiff, or as a
5 waiver of any of Plaintiff's objections, including but not limited to objections
6 regarding discoverability of other evidence. Plaintiff's enumeration of specific
7 objections in response to each request is not, and should not be construed to be, a
8 waiver of any objection not so specified.

9 14. By identifying or producing any information, documents and/or things, or
10 persons with knowledge, in response to any interrogatory, Plaintiff does not stipulate,
11 and expressly reserves all objections, to the authenticity, relevance, materiality, and
12 admissibility of any such information.

13 15. If Plaintiff provides information in response to any request, Plaintiff
14 reserves the right to provide additional information that may come to his attention or
15 become available in the future or to use such information in any hearing or proceeding
16 in this litigation or any other action.

17 16. Any response by Plaintiff that he will produce documents, responses, and/or
18 materials should not be construed to mean that responsive documents in fact exist;
19 only that, if such relevant, non-privileged, non-objectionable documents exist, are in
20 Plaintiff's possession, custody, or control, and are located after a reasonable search of
21 the location or locations where responsive documents are most likely to be located,
22 they will be produced in a timely manner.

23 These general objections are incorporated into each of the responses set
24 forth below:

25 **RESPONSES TO INTERROGATORIES**
26 **SPECIAL INTERROGATORY NO. 1:**

27 IDENTIFY by type, amount, and category all damages YOU seek for the
28 claims alleged in YOUR COMPLAINT.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

2 Plaintiff incorporates her General Objections as though set forth fully herein.
3 Plaintiff also objects on the ground that the information sought is equally available
4 and/or known to City through its own reports of items taken by the City, its witnesses,
5 and its agents, and through Plaintiff's filed government tort claims. Plaintiff also
6 objects to the extent this interrogatory is overly broad and unduly burdensome given
7 the amount of items taken and Plaintiff's unhoused status and thus inability to keep
8 and maintain contemporaneous records.

9 Plaintiff objects that discovery is still ongoing and reserves the right to
10 supplement this response should relevant information be discovered at a later date. *See*
11 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
12 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
13 F.R.D. 591, 594 (D. N.M. 2007).

14 Subject to and without waiver of any of the foregoing objections, Plaintiff
15 responds as follows: On January 29, 2019, the City of Los Angeles took and destroyed
16 new cleaning supplies, a small portable "Shark" vacuum, electronics, a basket,
17 clothes, shoes, blankets, bike repair tools, her ID card, her rice and canned food, pots
18 and pans and cooking stove, and her tent. On April 29, 2019, City employees again
19 took most of her belongings. On August 14, 2019, City employees threw out her tent,
20 along with her clothing, canned food, hygiene products, bike repair tools, cleaning and
21 cooking supplies, and court documents while she was away at work. Plaintiff
22 estimates her property damages at over \$5,000. She is also seeking emotional distress
23 damages and damages for the violation of her constitutional rights in the amount of
24 \$5,000. She is also seeking prospective and injunctive relief.

25
26 **SPECIAL INTERROGATORY NO. 2:**

27 State with particularity the method by which YOU quantified or calculated the
28 damages identified in response to Interrogatory No. 1.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

2 Plaintiff incorporates her General Objections as though set forth fully
3 herein. Plaintiff also objects to the extent this interrogatory is overly broad and
4 unduly burdensome given the amount of items taken and Plaintiff's unhoused status
5 and thus inability to keep and maintain contemporaneous records.

6 Plaintiff objects that discovery is still ongoing and reserves the right to
7 supplement this response should relevant information be discovered at a later date. *See*
8 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
9 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
10 F.R.D. 591, 594 (D. N.M. 2007).

11 Plaintiff has not completed quantifying or calculating all money damages
12 associated with her case. Subject to and without waiving the foregoing objections,
13 Plaintiff responds as follows: She does not now recall the precise value of each item,
14 but she recalls that the Shark vacuum was worth roughly \$100 and she spent between
15 \$50 and \$80 on a good set of bike repair tools. She also remembers her set of pots
16 and pans was around \$30. She estimates the total value of belongings taken at around
17 \$5000. She is also seeking damages for the violation of her constitutional rights and
18 emotional distress.

19
20 **SPECIAL INTERROGATORY NO. 3:**

21 IDENTIFY all facts supporting any damages that YOU contend YOU have
22 suffered as a result of the conduct alleged in YOUR COMPLAINT.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

24 Plaintiff incorporates her General Objections as though set forth fully herein.
25 Plaintiff specifically objects that "state all facts" interrogatories of this kind are unduly
26 burdensome, harassing, overly broad, and an improper use of the discovery
27 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
28 1998) (providing "every fact" could require "laborious, time consuming analysis,

1 search and description of incidental, secondary, and perhaps irrelevant and trivial
2 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
3 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
4 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
5 compound. Plaintiff further objects on the ground that this interrogatory calls for a
6 legal conclusion and on the ground that the information requested is in the possession
7 of the Defendants. Additionally, Plaintiff objects that this interrogatory calls for
8 attorney work product and attorney client communications.

9 Plaintiff also objects that discovery is still ongoing and reserves the right to
10 supplement this response should relevant information be discovered at a later date. *See*
11 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
12 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
13 F.R.D. 591, 594 (D. N.M. 2007).

14
15 **SPECIAL INTERROGATORY NO. 4:**

16 Do YOU claim to have experienced emotional distress as a result of the CITY
17 allegedly taking and destroying YOUR property on January 29, 2019 and/or April 29,
18 2019 and/or August 14, 2019 as alleged in YOUR COMPLAINT?

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

20 Yes.

21
22 **SPECIAL INTERROGATORY NO. 5:**

23 If your answer to Interrogatory No. 4 was yes, explain with specificity the
24 nature of the emotional distress.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

26 Plaintiff incorporates her General Objections as though set forth fully herein.
27 Plaintiff specifically objects that “state all facts” interrogatories of this kind are unduly
28 burdensome, harassing, overly broad, and an improper use of the discovery

process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan. 1998) (providing “every fact” could require “laborious, time consuming analysis, search and description of incidental, secondary, and perhaps irrelevant and trivial details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D. Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same). Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and compound. Plaintiff further objects on the ground that this interrogatory calls for a legal conclusion and on the ground that the information requested is in the possession of the Defendants. Plaintiff objects that discovery is still ongoing and reserves the right to supplement this response should relevant information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

Subject to and without waiving any of the foregoing objections, Plaintiff responds as follows: She found the taking of her property overwhelming and emotionally devastating. When she arrived back at her tent one of the times that her property was taken, she began to hyperventilate from distress. It affected her self-esteem negatively and caused her emotional stress as a person trying to work her way out of homelessness. The emotional toll she experienced felt worse than physical pain.

SPECIAL INTERROGATORY NO. 6:

If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who has knowledge of any fact pertaining to the emotional distress.

RESPONSE TO SPECIAL INTERROGATORY NO. 6:

Plaintiff incorporates her General Objections as though set forth fully herein. Plaintiff specifically objects to the extent the interrogatory seeks information covered by attorney work-product or the attorney-client privilege. Plaintiff also objects to the

1 extent this interrogatory is overly broad and unduly burdensome given the amount of
2 items taken and Plaintiff's unhoused status and consistent seizure of and destruction
3 of her belongings by the Defendant, which limits her ability to keep and maintain
4 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
5 unduly burdensome and vague and ambiguous in asking for all persons with
6 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
7 information not proportional to the needs of the case. Plaintiff objects based on the
8 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
9 is still ongoing and reserves the right to supplement this response should relevant
10 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
11 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
12 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff
13 further objects to the extent that facts and City employees present at the scene are
14 publicly available or more readily available to the City of Los Angeles.

15 Plaintiff will provide information about persons with substantial knowledge of
16 her emotional state at the time, as follows:

17 Plaintiff is aware of Estuardo Flores (unhoused) and Marco Iniquez Nungaray
18 (unhoused) who lived near her at the time of the sweeps and have knowledge of her
19 emotional distress. Both were listed in the initial disclosures.

20 Plaintiff's daughter Maria Garcia and niece Angie Martinez also have
21 knowledge of her emotional distress. Her family members may be contacted through
22 her counsel.

23
24 **SPECIAL INTERROGATORY NO. 7:**

25 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
26 can compare your emotional condition prior to and following the incidents of January
27 29, 2019 and/or April 29, 2019 and/or August 14, 2019 as alleged in YOUR
28 COMPLAINT.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

2 Plaintiff incorporates her General Objections as though set forth fully herein.
3 Plaintiff specifically objects to the extent the interrogatory seeks information covered
4 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
5 extent this interrogatory is overly broad and unduly burdensome given the amount of
6 items taken and Plaintiff's unhoused status and thus inability to keep and maintain
7 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
8 unduly burdensome and vague and ambiguous in asking for all persons with
9 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
10 information not proportional to the needs of the case. Plaintiff objects based on the
11 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
12 is still ongoing and reserves the right to supplement this response should relevant
13 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
14 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
15 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff
16 further objects to the extent that facts and City employees present at the scene are
17 publicly available or more readily available to the City of Los Angeles.

18 Plaintiff reserves the right to supplement these responses at a later date, as
19 discovery is ongoing. Plaintiff will provide information about persons with substantial
20 knowledge of her emotional state at the time, as follows:

21 Plaintiff is aware of Estuardo Flores (unhoused) and Marco Iniquez Nungaray
22 (unhoused) who lived near her at the time of the sweeps and have knowledge of her
23 emotional distress. Both were listed in the initial disclosures.

24 Plaintiff's daughter Maria Garcia and niece Angie Martinez also have
25 knowledge of her emotional distress. Her family members may be contacted through
26 her counsel.

27
28 **SPECIAL INTERROGATORY NO. 8:**

1 IDENTIFY each piece of property YOU claim the CITY destroyed for which
2 YOU are seeking damages and the exact monetary value of each item.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

4 Plaintiff incorporates her General Objections as though set forth fully herein.
5 Plaintiff also objects on the ground that the information sought is equally available
6 and/or known to City through its own reports of items taken by the City, its witnesses,
7 and its agents, and through Plaintiff's filed government tort claims. Plaintiff further
8 specifically objects that the interrogatory is ambiguous as to the term "damages" and
9 whether the term refers solely to monetary relief. Plaintiff also objects to the extent
10 this interrogatory is overly broad and unduly burdensome given the amount of items
11 taken and Plaintiff's unhoused state and her inability to keep and maintain
12 contemporaneous records while having her belongings repeatedly taken.

13 Plaintiff objects that discovery is still ongoing and reserves the right to
14 supplement this response should relevant information be discovered at a later date. See
15 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
16 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
17 F.R.D. 591, 594 (D. N.M. 2007).

18 Subject to and without waiver of any of the foregoing objections, Plaintiff
19 responds as follows: The City failed to provide Ms. Garcia with an inventory of the
20 items destroyed, but as far as Plaintiff recalls, they were as follows: On January 29,
21 2019, the City of Los Angeles took and destroyed new cleaning supplies, a small
22 portable "Shark" vacuum, electronics, a basket, clothes, shoes, blankets, bike repair
23 tools, her ID card, her rice and canned food, pots and pans and cooking stove, and her
24 tent. On April 29, 2019, City employees again took most of her belongings. On
25 August 14, 2019, City employees threw out her tent, along with her clothing, canned
26 food, hygiene products,, bike repair tools, cleaning and cooking supplies, and court
27 documents while she was away at work.
28

1 She does not now recall the precise value of each item, but she recalls that the
2 Shark vacuum was worth roughly \$100 and she spent between \$50 and \$80 on a good
3 set of bike repair tools. She also remembers her set of pots and pans was around \$30
4 and that she had a speaker and other electronics taken. She estimates the total value of
5 belongings taken at around \$5000.

6
7 **SPECIAL INTERROGATORY NO. 9:**

8 IDENTIFY all PERSONS who have provided YOU with payment or other
9 consideration in exchange for cleaning work or any other work duties YOU have
10 performed from January 2019 through the present.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

12 Plaintiff incorporates her general objections. Plaintiff objects that this
13 interrogatory is overbroad and unduly burdensome and vague and ambiguous.
14 Plaintiff further objects that this interrogatory asks for information not proportional to
15 the needs of the case. Plaintiff objects based on the right to privacy, including the
16 privacy of third parties. Plaintiff further objects that she is not bringing a claim for
17 lost earnings and thus this request is not proportional to the needs of this case.
18 Plaintiff objects to providing the names of every person who has hired her as a
19 freelance cleaner from January 2019 until now.

20 Plaintiff objects that discovery is still ongoing and reserves the right to
21 supplement this response should relevant information be discovered at a later date. *See*
22 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
23 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
24 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff will provide information about those
25 persons who she has had regular interactions with as follows:

26 Moziko Wind, listed on the initial disclosures.
27
28

1 Plaintiff often cleaned at a tile store located on Sherman Way in 2019. She
2 cannot recall the name of the store at this time but will supplement these disclosures if
3 she recalls it.

4
5 **SPECIAL INTERROGATORY NO. 10:**

6 IDENTIFY all facts supporting YOUR contention that YOU made attempts to
7 recover YOUR belongings, as alleged in Paragraph 145 of YOUR COMPLAINT.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

9 Plaintiff objects to this interrogatory to the extent that it calls for all facts about
10 Plaintiffs' claims. "State all facts" interrogatories of this kind are unduly burdensome,
11 harassing, overly broad, and an improper use of the discovery process. *See IBP, Inc.*
12 *v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan. 1998) (providing "every
13 fact" could require "laborious, time consuming analysis, search and description of
14 incidental, secondary, and perhaps irrelevant and trivial details."). *See also Safeco of*
15 *America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D. Cal. 1998); *Roberts v. Heim*, 130
16 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same). Plaintiff further objects that this
17 interrogatory is vague, ambiguous, overly broad and compound. Plaintiff further
18 objects on the ground that this interrogatory calls for a legal conclusion and on the
19 ground that the information requested is in the possession of the Defendants. Plaintiff
20 further objects that this interrogatory calls for attorney work product and attorney
21 client communications, and objects that the City is better positioned to know which
22 employee interacted with Plaintiff.

23 Subject to and without waiving the foregoing objections, Plaintiff responds as
24 follows: In the first and second sweeps, Plaintiff did not see any post-deprivation
25 notice or case number. Plaintiff attempted to recover her belongings with the City
26 three to four days after the first sweep, when another unhoused person told her she
27 might be able to call about her belongings. Plaintiff searched on the internet for the
28 number for the storage facility and called the number she found. The person at the

1 facility asked for Plaintiff's case number; however, the City did not leave Plaintiff a
2 case number during the sweep. As a result, the storage facility worker said they could
3 not track down any belongings that may have been stored by the City. The second
4 time, Plaintiff again did not have a case number for her belongings. She called that
5 same number but they could not locate anything for her.

6 On August 14, 2019, City employees again took and destroyed Plaintiff's
7 belongings in a sweep. In this sweep, there was a number to call left on a notice
8 attached to a tree. Plaintiff promptly attempted to contact the City to find if her items
9 had been stored instead of destroyed. The City worker Plaintiff spoke to informed her
10 the belongings seized would not be logged for another three to four days. The City
11 worker took down Plaintiff's name and number, and told her he would call her back
12 when the belongings were logged. He never called Plaintiff back. Plaintiff called
13 again in early November 2019 but the City still had not located her belongings. On
14 that day she wanted to go downtown to ask about her belongings in person, but was
15 unable to figure out the necessary transportation to do so before the facility closed.
16 Plaintiff was never able to retrieve her belongings.

17
18 Dated: September 14, 2020

Respectfully submitted,

19 SCHONBRUN SEPLOW HARRIS & HOFFMAN
20 LLP

21 /s/ Catherine Sweetser

22 Catherine Sweetser

23 *Attorneys for All Plaintiffs*
24
25
26
27
28

PROOF OF SERVICE

I, La Tonya Fountain, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On September 14, 2020, I served the following document(s) described as:

**PLAINTIFF JANET GARCIA'S OBJECTIONS AND RESPONSES TO
DEFENDANT CITY OF LOS ANGELES' SPECIAL INTERROGATORIES**

on the interested parties in this action as follows:



E-MAIL

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the email transmission is returned as undeliverable.

GABRIEL DERMER,
gabriel.dermer@lacity.org
FELIX LEBRON,
felix.lebron@lacity.org,
A. PATRICIA URSEA,
patricia.ursea@lacity.org,
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012
Telephone: (213) 978-7559
Facsimile: (213) 978-7011

Attorneys for Defendant, CITY OF LOS ANGELES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 14, 2020, at Los Angeles, California.



La Tonya D. Fountain

EXHIBIT 5

Shayla Myers (SBN 264054)
Mallory Andrews (SBN 312209)
LEGAL AID FOUNDATION OF LOS ANGELES
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*Attorneys for Gladys Zepeda, Miriam Zamora,
Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, a
municipal entity,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF MARQUIS
ASHLEY'S OBJECTIONS AND
RESPONSES TO DEFENDANT
CITY OF LOS ANGELES'
SPECIAL INTERROGATORIES
(SET ONE)**

Complaint Filed Date: July 18, 2019

PROPOUNDING PARTY: Defendant City of Los Angeles

RESPONDING PARTY: Plaintiff Marquis Ashley

SET: One

1 Catherine Sweetser (SBN 271142)
2 Kristina Harootun (SBN 308718)
3 John Washington (SBN 315991)
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27 *Attorneys for Plaintiffs Ktown for All, Janet Garcia,*
28 *Peter Diocson Jr., Marquis Ashley, Ali El-Bey, and*
Association for Responsible and Equitable Public
Spending

29 #0008

30 C935:10-CA-00185-D2E-BLV Document 155-0 Filed 04/10/15 Page 15 of 31 Page ID

1 Marquis Ashley (“Ashley”), through his undersigned counsel, hereby provides
2 his objections and responses to City of Los Angeles’ (the “City”) Special
3 Interrogatories to Plaintiff Ashley (Set One), served on September 28, 2020, as
4 follows:

5 **PRELIMINARY STATEMENT**

6 Despite having undertaken a diligent effort to respond to these discovery
7 requests, Plaintiff Ashley reserves the right to amend or supplement these responses
8 and objections herein if necessary, at a later date, and to use subsequently discovered
9 facts and facts known but whose relevance, significance, or applicability has not yet
10 been ascertained.

11 1. The responses and objections below are based upon information known
12 or believed to be true by Plaintiff at the time of responding. Ashley and his attorneys
13 have not completed their discovery, investigation, or preparation for trial, nor have
14 they concluded their analysis of information gathered to date. Future discovery and
15 independent investigation may supply additional facts or information, add meaning to
16 known facts, and may establish entirely new factual conclusions or contentions.
17 Ashley reserves the right to supplement and/or amend this response pursuant to the
18 Federal Rules of Civil Procedure and applicable law.

19 2. Ashley’s responses are made without in any way waiving or intending to
20 waive, and instead Ashley preserves and intends to preserve the following:

21 (a) The right to raise all questions of authenticity, relevancy, materiality,
22 privilege or admissibility with respect to the information provided and the documents
23 identified and/or produced in response to these Special Interrogatories, which may
24 arise in any subsequent proceeding, including the trial of this or any other action;

25 (b) The right to object to the use of the information and/or documents in any
26 subsequent proceeding, including the trial of this or any other action;

1 (c) The right to make subsequent responses if Ashley uncovers additional
2 information and/or documents called for by these Special Interrogatories, as Ashley's
3 investigation of the facts and the evidence pertinent to this action is continuing.

4 3. Words and terms used in the below responses shall be construed in
5 accordance with their normal meanings and connotations, and shall in no way be
6 interpreted as terms of art or statutorily defined terms, and Ashley specifically
7 disavows any such meaning or connotation that might be accorded to such terms
8 unless specifically stated otherwise.

9 4. Nothing in this response is an admission by Ashley of the relevance or
10 admissibility of any information, for any purpose, or of any statement or
11 characterization contained in the response.

12 **GENERAL OBJECTIONS**

13 The following general objections are made to each and every request and are
14 deemed to be incorporated into the specific objections and responses provided to each
15 request:

16 1. Plaintiff bases these objections and responses on the assumption that
17 Defendant, in propounding these interrogatories, did not intend to seek information
18 protected against discovery by the attorney-client privilege, the work-product
19 doctrine, or documents that contain or reflect the impressions, conclusion, opinion,
20 legal research or theories of Plaintiff's attorneys or their agents. To the extent that
21 Defendant's interrogatories, or any part thereof, are intended to elicit such

22 information, Plaintiff objects thereto and asserts the privileges provided in and by the
23 foregoing doctrines to the fullest extent permitted by law. Nothing contained in these
24 responses should be considered a waiver of any attorney-client privilege, work-
25 product protection, or any other applicable privilege or doctrine. Plaintiff does not
26 intend to produce documents that would divulge any privileged information. Any
27 such disclosure is inadvertent and shall not be deemed a waiver of any applicable
28 privilege or immunity.

1 2. Ashley objects to these interrogatories to the extent that they seek
2 information protected from disclosure by the right to privacy, or any other applicable
3 privilege. To the extent that Defendant's interrogatories, or any part thereof, are
4 intended to elicit such information, Plaintiff objects thereto and asserts the privileges
5 provided in and by the foregoing doctrines to the fullest extent permitted by law.

6 3. Ashley objects to each interrogatory to the extent that it purports to
7 impose discovery obligations exceeding those provided for in the Federal Rules of
8 Civil Procedure or the Local Rules for the United States District Court for the Central
9 District of California, orders entered in this case, or agreements among the parties.

10 4. Ashley objects to the "Definitions" and "Instructions and Applicable
11 Rules" to the extent that they seek to impose requirements or obligations on in
12 addition to or different from those imposed by the Federal Rules of Civil Procedure or
13 the Local Rules for the United States District Court for the Central District of
14 California, orders in this case, or agreements among the parties. Ashley further
15 objects to the "Definitions" and "Instructions and Applicable Rules" to the extent they
16 purport to alter the plain meaning and/or scope of any specific interrogatory, on the
17 ground that such alteration renders the interrogatory vague, ambiguous, unduly broad,
18 and/or uncertain, by failing to adequately define terms or by using terms the meaning
19 of which are not readily available or decipherable. Ashley will not undertake, assume,
20 or comply with the "Definitions" and "Instructions and Applicable Rules" to the
21 extent they exceed the Federal Rules of Civil Procedure or the Local Rules for the

22 United States District Court for the Central District of California. Ashley's responses
23 shall not be construed as an admission, agreement, or acquiescence in any Definition
24 or Instruction.

25 5. Ashley objects to each interrogatory to the extent that it is cumulative or
26 duplicative.

27 6. Ashley is responding to each interrogatory as he interprets and
28 understands each interrogatory with respect to the issues in this action. If the City

1 asserts a different interpretation of any interrogatory, Ashley reserves the right to
2 supplement or amend his responses or objections.

3 7. Ashley objects to each interrogatory to the extent that it is overbroad,
4 unduly burdensome, and/or calls for information that is neither relevant to any claim
5 or defense in this action nor reasonably likely to lead to the discovery of admissible
6 evidence.

7 8. Ashley objects to each request to the extent that it calls for information
8 and/or production of documents and/or things that are not within Plaintiff's
9 possession, custody, or control, or calls for Plaintiff to prepare documents and/or
10 things that do not already exist.

11 9. Ashley objects to each interrogatory to the extent that it calls for the
12 production of documents and things that are publicly available or equally available to
13 the City, and therefore are of no greater burden for the City to obtain than for Ashley
14 to obtain.

15 10. Ashley objects to each interrogatory to the extent that it is vague,
16 ambiguous, or confusing due to the City's failure to define terms or failure to describe
17 the information sought with reasonable particularity.

18 11. Ashley objects to any factual characterizations in the City's
19 interrogatories. By responding, Ashley does not accept or admit any of the City's
20 factual characterizations.

21 12. Ashley's discovery and investigation in connection with this case are
22 ongoing. As a result, Ashley's responses concern information obtained and reviewed
23 to date, and the objections, limitations, and responses contained in this response are
24 subject to and without waiver of any right of Ashley to: (a) object to other discovery
25 requests directed to the subject matter of the requests and this response; (b) make
26 additional or supplementary objections to the interrogatories; and (c) revise, correct,
27 supplement, or clarify the contents of this Response, after considering information
28 obtained or review through further discovery and investigation.

1 13. No objections, limitation, or response, or lack thereof, made herein shall
2 be deemed an admission by Ashley that any definition provided by the City is either
3 factually correct or legally binding upon Ashley, or as a waiver of any of Ashley's
4 objections, including but not limited to objections regarding discoverability of
5 documents or other evidence. Ashley's enumeration of specific objections in response
6 to each interrogatory is not, and should not be construed to be, a waiver of any
7 objection not so specified.

8 14. By identifying or producing any information, in response to any
9 interrogatory, Ashley does not stipulate, and expressly reserves all objections, to the
10 authenticity, relevance, materiality, and admissibility of any such information.

11 15. If Ashley provides information in response to any interrogatory, Ashley
12 reserves the right to provide additional information that may come to his attention or
13 become available in the future or to use such information in any hearing or proceeding
14 in this litigation or any other action.

15 16. Any response by Plaintiff that he will produce documents, responses,
16 and/or materials should not be construed to mean that responsive documents in fact
17 exist; only that, if such relevant, non-privileged, non-objectionable documents exist,
18 are in Plaintiff's possession, custody, or control, and are located after a reasonable
19 search of the location or locations where responsive documents are most likely to be
20 located, they will be produced in a timely manner.

21 These general objections are incorporated into each of the responses set forth

22 below.

23 **RESPONSES TO SPECIAL INTERROGATORIES**

24 **SPECIAL INTERROGATORY NO. 1:**

25 IDENTIFY by type, amount, and category all damages YOU seek for the
26 claims alleged in YOUR COMPLAINT.
27
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

2 Plaintiff incorporates his General Objections as though set forth fully herein.
3 Plaintiff also objects to the extent this interrogatory is unduly burdensome given the
4 amount of items taken and Plaintiff's unhoused status and thus inability to keep and
5 maintain contemporaneous records. Plaintiff also objects on the ground that the
6 information sought is equally or more readily available and/or known to City through
7 its own reports of items taken by the City, its witnesses, related agencies, and its
8 agents. Plaintiff has specifically sought discovery from Defendant from which to
9 glean responsive information; however, to date, Defendant has refused to provide such
10 discovery. Plaintiff objects that discovery is still ongoing and reserves the right to
11 supplement this response should relevant information be discovered at a later date. *See*
12 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
13 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
14 F.R.D. 591, 594 (D. N.M. 2007).

15 Subject to and without waiver of any of the foregoing objections, Plaintiff
16 responds as follows: On May 21, 2019, City employees seized and destroyed two carts
17 that Ashley had fixed up himself. These carts required about 20 hours of labor to
18 construct the carts and make them useable. Ashley estimates the value of each cart to
19 be around \$200, including the value of his labor.

20 Plaintiff is also seeking emotional distress damages and damages for the
21 violation of his constitutional rights in the amount of \$10,000.00. He is also seeking
22 prospective and injunctive relief.

23 **SPECIAL INTERROGATORY NO. 2:**

24 State with particularity the method by which YOU quantified or calculated the
25 damages identified in response to Interrogatory No. 1.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

27 Plaintiff incorporates his General Objections as though set forth fully
28 herein. Plaintiff also objects to the extent this interrogatory is overly broad and

unduly burdensome given the amount of items taken and Plaintiff's unhoused status and thus inability to keep and maintain contemporaneous records.

Plaintiff objects that discovery is still ongoing and reserves the right to supplement this response should relevant information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

Plaintiff has not completed quantifying or calculating all money damages associated with his case. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: On May 21, 2019, City employees seized and destroyed two carts that Ashley had made himself. These carts required about 20 hours of labor to construct the carts and make them useable. Ashley estimates the value of each cart to be around \$200, including the value of his labor.

Ashley depended on these carts for their convenience as they held a lot of weight, and anything he put in them would stay inside. Ashley would usually attach a cart to his bike to move his belongings and pick up day to day items like groceries, and the loss of the carts made this more difficult. He is also seeking damages for the violation of his constitutional rights and emotional distress.

SPECIAL INTERROGATORY NO. 3:

IDENTIFY all facts supporting any damages that YOU contend YOU have suffered as a result of the conduct alleged in YOUR COMPLAINT.

RESPONSE TO SPECIAL INTERROGATORY NO. 3:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff specifically objects that "state all facts" interrogatories of this kind are unduly burdensome, harassing, overly broad, and an improper use of the discovery process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan. 1998) (providing "every fact" could require "laborious, time consuming analysis, search and description of incidental, secondary, and perhaps irrelevant and trivial

1 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
2 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
3 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
4 compound. Plaintiff further objects on the ground that this interrogatory calls for a
5 legal conclusion and on the ground that the information requested is in the possession
6 of the Defendants. Additionally, Plaintiff objects that this interrogatory calls for
7 attorney work product and attorney client communications.

8 Plaintiff also objects that discovery is still ongoing and reserves the right to
9 supplement this response should relevant information be discovered at a later date. *See*
10 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
11 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
12 F.R.D. 591, 594 (D. N.M. 2007).

13
14 **SPECIAL INTERROGATORY NO. 4:**

15 Do YOU claim to have experienced emotional distress as a result of the CITY
16 allegedly taking and destroying YOUR property on or about May 21, 2019 as alleged
17 in YOUR COMPLAINT?

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

19 Yes.

20
21 **SPECIAL INTERROGATORY NO. 5:**

22 If your answer to Interrogatory No. 4 was yes, explain with specificity the
23 nature of the emotional distress.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

25 Plaintiff incorporates his General Objections as though set forth fully herein.
26 Plaintiff specifically objects that “state all facts” interrogatories of this kind are unduly
27 burdensome, harassing, overly broad, and an improper use of the discovery
28 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.

1 1998) (providing “every fact” could require “laborious, time consuming analysis,
2 search and description of incidental, secondary, and perhaps irrelevant and trivial
3 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
4 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
5 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
6 compound. Plaintiff further objects on the ground that this interrogatory calls for a
7 legal conclusion and on the ground that the information requested is in the possession
8 of the Defendants. Plaintiff objects that discovery is still ongoing and reserves the
9 right to supplement this response should relevant information be discovered at a later
10 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
11 (permitting delay in responses until designated discovery completed); *Lucero v.*
12 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

13 Subject to and without waiving any of the foregoing objections, Plaintiff
14 responds as follows: The removal and destruction of Mr. Ashley’s belongings as well
15 as the threat of losing other belongings at the hands of city workers or face arrest has
16 caused Plaintiff emotional stress.

17 First, Plaintiff found the seizure of his property unfair and frustrating. He was
18 very proud of the carts and the fact that he fixed them up himself and made them
19 useable. They were incredibly helpful for managing tasks like running errands. The
20 loss of the carts made everyday tasks, like going to the grocery store and picking up
21 other household items, much harder. Having to replace the carts he had built himself
22 was very frustrating.

23 The inability to question LA Sanitation or the LAPD about their decisions
24 regarding his property has also caused Plaintiff distress. He felt like he could not
25 question the decision by city workers to take his belongings. He worried then, and he
26 continues to be afraid that if he argues with LA Sanitation or the LAPD or even
27 attempts to question them about their decision that his belongings are subject to
28

1 seizure and destruction, he could be arrested. He also worries that this could result in
2 him suffering physical harm, in addition to the loss of his belongings. The inability to
3 question these decisions by city workers leaves him feeling extremely powerless.

4 Ashley's distress related to the seizure and destruction of his property on May
5 21, 2019 has been compounded by the City's continued practice of seizing and
6 destroying property, which happens often in the encampment where he spends time.
7 Knowing that he needs a cart to get by at the encampment but also knowing that they
8 could be taken away any time a law enforcement officer or LA Sanitation worker
9 decides to take them leaves him feeling anxious and frustrated and has caused him
10 emotional distress.

11
12 **SPECIAL INTERROGATORY NO. 6:**

13 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
14 has knowledge of any fact pertaining to the emotional distress.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

16 Plaintiff incorporates his General Objections as though set forth fully herein.
17 Plaintiff specifically objects to the extent the interrogatory seeks information covered
18 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
19 extent this interrogatory is overly broad and unduly burdensome given the amount of
20 items taken and Plaintiff's unhoused status and consistent seizure of and destruction
21 of his belongings by the Defendant, which limits his ability to keep and maintain
22 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
23 unduly burdensome and vague and ambiguous in asking for all persons with
24 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
25 information not proportional to the needs of the case. Plaintiff objects based on the
26 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
27 is still ongoing and reserves the right to supplement this response should relevant
28 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155

1 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
2 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff
3 further objects to the extent that facts and City employees present at the scene are
4 publicly available or more readily available to the City of Los Angeles.

5 Subject to and without waiving the foregoing objections, Plaintiff directs the
6 City to those persons listed in his initial disclosures. Plaintiff continues to reserve the
7 right to supplement these responses at a later date, as discovery is ongoing.

8
9 **SPECIAL INTERROGATORY NO. 7:**

10 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
11 can compare your emotional condition prior to and following the incidents of May 21,
12 2019 as alleged in YOUR COMPLAINT.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

14 Plaintiff incorporates his General Objections as though set forth fully herein.
15 Plaintiff specifically objects to the extent the interrogatory seeks information covered
16 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
17 extent this interrogatory is overly broad and unduly burdensome given the amount of
18 items taken and Plaintiff's unhoused status and thus inability to keep and maintain
19 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
20 unduly burdensome and vague and ambiguous in asking for all persons with
21 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
22 information not proportional to the needs of the case. Plaintiff objects based on the
23 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
24 is still ongoing and reserves the right to supplement this response should relevant
25 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
26 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
27 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff
28

1 further objects to the extent that facts and City employees present at the scene are
2 publicly available or more readily available to the City of Los Angeles.

3 Subject to and without waiving the foregoing objections, Plaintiff directs the
4 City to those persons listed in his initial disclosures. Plaintiff reserves the right to
5 supplement these responses at a later date, as discovery is ongoing.

6
7 **SPECIAL INTERROGATORY NO. 8:**

8 IDENTIFY each piece of property YOU claim the CITY destroyed for which
9 YOU are seeking damages and the exact monetary value of each item.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

11 Plaintiff incorporates his General Objections as though set forth fully herein.
12 Plaintiff also objects on the ground that the information sought is equally available
13 and/or known to City through its own reports of items taken by the City, its witnesses,
14 and its agents, and through Plaintiff's filed government tort claims. Plaintiff further
15 specifically objects that the interrogatory is ambiguous as to the term "damages" and
16 whether the term refers solely to monetary relief. Plaintiff also objects to the extent
17 this interrogatory is overly broad and unduly burdensome given the amount of items
18 taken and Plaintiff's unhoused state and thus inability to keep and maintain
19 contemporaneous records.

20 Plaintiff objects that discovery is still ongoing and reserves the right to
21 supplement this response should relevant information be discovered at a later date. See

22 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
23 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
24 F.R.D. 591, 594 (D. N.M. 2007).

25 Subject to and without waiver of any of the foregoing objections, Plaintiff
26 responds as follows: The City failed to provide Mr. Ashley with an inventory of the
27 items destroyed, but as far as Plaintiff recalls, they were as follows: On May 21,
28 2019, City employees seized and destroyed two carts that Ashley had fixed up

1 himself. These carts required about 20 hours of labor to construct the carts and make
2 them useable. Ashley estimates the value of each cart to be around \$200, including the
3 value of his labor.

4
5 **SPECIAL INTERROGATORY NO. 9:**

6 IDENTIFY all facts REFERRING OR RELATING TO YOUR allegation in
7 paragraph 227 of YOUR COMPLAINT that “an LAPD officer who was present at the
8 cleanup had informed [you] that, if [you] did not want to go to jail, [you] would have
9 to hurry up and move from the area.”

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

11 Plaintiff incorporates his General Objections as though set forth fully herein.
12 Plaintiff also objects on the ground that the information sought is equally available
13 and/or known to City through its own reports of items taken by the City, its witnesses,
14 and its agents, and through Plaintiff’s filed government tort claims. Plaintiff
15 specifically objects to the extent this interrogatory calls for “all facts” about Plaintiff’s
16 damages and on the grounds that “state all facts” interrogatories of this kind are
17 unduly burdensome, harassing, overly broad, and an improper use of the discovery
18 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
19 1998) (providing “every fact” could require “laborious, time consuming analysis,
20 search and description of incidental, secondary, and perhaps irrelevant and trivial
21 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
22 Cal. 1998), *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).

23 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
24 compound. Plaintiff further objects to the extent that this interrogatory calls for
25 attorney work product and attorney client communications.

26 Plaintiff objects that discovery is still ongoing and reserves the right to
27 supplement this response should relevant information be discovered at a later date. *See*
28 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting

1 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
2 F.R.D. 591, 594 (D. N.M. 2007).

3
4 **SPECIAL INTERROGATORY NO. 10:**

5 IDENTIFY all PERSONS with knowledge of the facts stated in YOUR
6 response to Interrogatory No. 9.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

8 Plaintiff incorporates his General Objections as though set forth fully herein.
9 Plaintiff also objects on the ground that the information sought is equally available
10 and/or known to City through its own reports of items taken by the City, its witnesses,
11 and its agents, and through Plaintiff's filed government tort claims. Plaintiff
12 specifically objects to the extent this interrogatory calls for "all facts" about Plaintiff's
13 damages and on the grounds that "state all facts" interrogatories of this kind are
14 unduly burdensome, harassing, overly broad, and an improper use of the discovery
15 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
16 1998) (providing "every fact" could require "laborious, time consuming analysis,
17 search and description of incidental, secondary, and perhaps irrelevant and trivial
18 details."). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
19 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
20 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
21 compound. Plaintiff further objects to the extent that this interrogatory calls for

22 attorney work product and attorney-client communications.

23 Plaintiff objects that discovery is still ongoing and reserves the right to
24 supplement this response should relevant information be discovered at a later date. *See*
25 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
26 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
27 F.R.D. 591, 594 (D. N.M. 2007).

1 **SPECIAL INTERROGATORY NO. 11:**

2 IDENTIFY the photograph attached as Exhibits B your declaration dated
3 February 24, 2020 (Dkt. No. 38-2), including the name and contact information of the
4 person who took the photograph, the date on which it was taken, and the location in
5 which the photograph was taken.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

7 Plaintiff incorporates his General Objections as though set forth fully herein.
8 Plaintiff specifically objects to the extent the interrogatory seeks information covered
9 by attorney work-product or the attorney-client privilege. Plaintiff also objects based
10 on the right to privacy, including the privacy of third parties. Plaintiff further objects
11 that discovery is still ongoing and reserves the right to supplement this response
12 should relevant information be discovered at a later date. *See Braun Med., Inc. v.*
13 *Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses
14 until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.
15 N.M. 2007). Plaintiffs further object that they have produced metadata associated
16 with this file as part of their initial disclosures.

17 Subject to and without waiving any of the foregoing objections, Plaintiff
18 responds as follows:

- 19 a) Exhibit B attached to Ashley's February 24, 2020 declaration is a photo of a
20 cart owned by Mr. Ashley. Mr. Ashley was present when the photo was
21 taken, and it is a true and accurate representation of his belongings.

22 b) LAFLA

23 c) February 24, 2020

24 d) Carson, California

25
26 Dated: November 13, 2020
27
28

SCHONBRUN SEFLOW HARRIS & HOFFMAN
LLP

/s/ Catherine Sweetser

Catherine Sweetser

Attorneys for All Plaintiffs

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#:0084

PROOF OF SERVICE

I, La Tonya Fountain, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On November 13, 2020, I served the following document(s) described as:

PLAINTIFF MARQUIS ASHLEY'S OBJECTIONS AND RESPONSES TO DEFENDANT CITY OF LOS ANGELES' SPECIAL INTERROGATORIES (SET ONE); VERIFICATION.

on the interested parties in this action as follows:

☒ **E-MAIL**

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the e-mail transmission is returned as undeliverable.

FELIX LEBRON,
felix.lebron@lacity.org,
A. PATRICIA URSEA,
patricia.ursea@lacity.org,
JESSICA MARIANI,
jessica.mariani@lacity.org
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012
Telephone: (213) 978-7559
Facsimile: (213) 978-7011

Attorneys for Defendant, CITY OF LOS ANGELES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2020, at Los Angeles, California.



La Tonya D. Fountain

Shayla Myers (SBN 264054)
Mallory Andrews (SBN 312209)
LEGAL AID FOUNDATION OF LOS ANGELES
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Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, a
municipal entity,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF PETER DIOCSO
JR.'S OBJECTIONS AND
RESPONSES TO DEFENDANT
CITY OF LOS ANGELES'
SPECIAL INTERROGATORIES
(SET ONE)**

Complaint Filed Date: July 18, 2019

#:0080

C935:7A-CA-00185-D2E-674 DOCUMENT 155-0 Filed 07/10/19 Page 30 of 37 Page ID

PROPOUNDING PARTY: Defendant City of Los Angeles

RESPONDING PARTY: Plaintiff Peter Diocson Jr.

SET: One

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2 Kristina Harootun (SBN 308718)
3 John Washington (SBN 315991)
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27 *Attorneys for Plaintiffs Ktown for All, Janet Garcia,*
28 *Peter Diocson Jr., Marquis Ashley, Ali El-Bey, and*
Association for Responsible and Equitable Public
Spending

29 #0081

30 C935:10-CA-00185-D2E-BLV Document 155-0 Filed 04/01/15 Page 21 of 31 Page ID

1 Peter Diocson Jr. (“Diocson”), through his undersigned counsel, hereby
2 provides his objections and responses to City of Los Angeles’ (the “City”) Special
3 Interrogatories to Plaintiff Diocson (Set One), served on September 28, 2020, as
4 follows:

5 **PRELIMINARY STATEMENT**

6 Despite having undertaken a diligent effort to respond to these discovery
7 requests, Plaintiff Diocson reserves the right to amend or supplement these responses
8 and objections herein if necessary, at a later date, and to use subsequently discovered
9 facts and facts known but whose relevance, significance, or applicability has not yet
10 been ascertained.

11 1. The responses and objections below are based upon information known
12 or believed to be true by Diocson at the time of responding. Diocson and his attorneys
13 have not completed their discovery, investigation, or preparation for trial, nor have
14 they concluded their analysis of information gathered to date. Future discovery and
15 independent investigation may supply additional facts or information, add meaning to
16 known facts, and may establish entirely new factual conclusions or contentions.
17 Diocson reserves the right to supplement and/or amend this response pursuant to the
18 Federal Rules of Civil Procedure and applicable law.

19 2. Diocson’s responses are made without in any way waiving or intending
20 to waive, and instead Diocson preserves and intends to preserve the following:

21 (a) The right to raise all questions of authenticity, relevancy, materiality,
22 privilege or admissibility with respect to the information provided and the documents
23 identified and/or produced in response to these Special Interrogatories, which may
24 arise in any subsequent proceeding, including the trial of this or any other action;

25 (b) The right to object to the use of the information and/or documents in any
26 subsequent proceeding, including the trial of this or any other action;

1 (c) The right to make subsequent responses if Diocson uncovers additional
2 information and/or documents called for by these Special Interrogatories, as Diocson's
3 investigation of the facts and the evidence pertinent to this action is continuing.

4 3. Words and terms used in the below responses shall be construed in
5 accordance with their normal meanings and connotations, and shall in no way be
6 interpreted as terms of art or statutorily defined terms, and Diocson specifically
7 disavows any such meaning or connotation that might be accorded to such terms
8 unless specifically stated otherwise.

9 4. Nothing in this response is an admission by Diocson of the relevance or
10 admissibility of any information, for any purpose, or of any statement or
11 characterization contained in the response.

12 **GENERAL OBJECTIONS**

14 The following general objections are made to each and every request and are
15 deemed to be incorporated into the specific objections and responses provided to each
16 request:

17 1. Plaintiff bases these objections and responses on the assumption that
18 Defendant, in propounding these interrogatories, did not intend to seek information
19 protected against discovery by the attorney-client privilege, the work-product
20 doctrine, or documents that contain or reflect the impressions, conclusion, opinion,
21 legal research or theories of Plaintiff's attorneys or their agents. To the extent that
22 Defendant's interrogatories, or any part thereof, are intended to elicit such
23 information, Plaintiff objects thereto and asserts the privileges provided in and by the
24 foregoing doctrines to the fullest extent permitted by law. Nothing contained in these
25 responses should be considered a waiver of any attorney-client privilege, work-
26 product protection, or any other applicable privilege or doctrine. Plaintiff does not
27 intend to produce documents that would divulge any privileged information. Any
28

1 such disclosure is inadvertent and shall not be deemed a waiver of any applicable
2 privilege or immunity.

3 2. Plaintiff objects to these interrogatories to the extent that they seek
4 information protected from disclosure by the right to privacy, or any other applicable
5 privilege. To the extent that Defendant's interrogatories, or any part thereof, are
6 intended to elicit such information, Plaintiff objects thereto and asserts the privileges
7 provided in and by the foregoing doctrines to the fullest extent permitted by law.

8 3. Diocson objects to each interrogatory to the extent that it purports to
9 impose discovery obligations exceeding those provided for in the Federal Rules of
10 Civil Procedure or the Local Rules for the United States District Court for the Central
11 District of California, orders entered in this case, or agreements among the parties.

12 4. Diocson objects to the "Definitions" and "Instructions and Applicable
13 Rules" to the extent that they seek to impose requirements or obligations on in
14 addition to or different from those imposed by the Federal Rules of Civil Procedure or
15 the Local Rules for the United States District Court for the Central District of
16 California, orders in this case, or agreements among the parties. Diocson further
17 objects to the "Definitions" and "Instructions and Applicable Rules" to the extent they
18 purport to alter the plain meaning and/or scope of any specific interrogatory, on the
19 ground that such alteration renders the interrogatory vague, ambiguous, unduly broad,
20 and/or uncertain, by failing to adequately define terms or by using terms the meaning
21 of which are not readily available or decipherable. Diocson will not undertake,

22 assume, or comply with the "Definitions" and "Instructions and Applicable Rules" to
23 the extent they exceed the Federal Rules of Civil Procedure or the Local Rules for the
24 United States District Court for the Central District of California. Diocson's
25 responses shall not be construed as an admission, agreement, or acquiescence in any
26 Definition or Instruction.

27 5. Diocson objects to each interrogatory to the extent that it is cumulative or
28 duplicative.

1 6. Diocson is responding to each interrogatory as he interprets and
2 understands each interrogatory with respect to the issues in this action. If the City
3 asserts a different interpretation of any interrogatory, Diocson reserves the right to
4 supplement or amend his responses and/or objections.

5 7. Plaintiff objects to each request to the extent that it is overly broad,
6 unduly burdensome, and/or calls for the production of documents or things that are
7 neither relevant to any claim or defense in this action nor reasonably likely to lead to
8 the discovery of admissible evidence.

9 8. Diocson objects to each request to the extent that it calls for information
10 and/or production of documents and/or things that are not within Plaintiff's
11 possession, custody, or control, or calls for Plaintiff to prepare documents and/or
12 things that do not already exist.

13 9. Diocson objects to each interrogatory to the extent that it calls for the
14 information that is publicly available or equally available to the City, and therefore are
15 of no greater burden for the City to obtain than for Diocson to obtain.

16 10. Diocson objects to each request to the extent that it is vague, ambiguous,
17 or confusing due to the City's failure to define terms or failure to describe the
18 information sought with reasonable particularity.

19 11. Plaintiff objects to any factual characterization in City's interrogatories.
20 By responding, Plaintiff does not accept or admit any of City's factual
21 characterizations.

22 12. Diocson's discovery and investigation in connection with this case are
23 ongoing. As a result, Diocson's responses concern information obtained and reviewed
24 to date, and the objections, limitations, and responses contained in this response are
25 subject to and without waiver of any right of Diocson to: (a) object to other discovery
26 requests directed to the subject matter of the requests and this response; (b) make
27 additional or supplementary objections to the Requests; and (c) revise, correct,
28

1 supplement, or clarify the contents of this Response, after considering information
2 obtained or review through further discovery and investigation.

3 13. No objections, limitation, or response, or lack thereof, made herein shall
4 be deemed an admission by Diocson that any definition provided by the City is either
5 factually correct or legally binding upon Diocson, or as a waiver of any of Diocson's
6 objections, including but not limited to objections regarding discoverability of
7 documents or other evidence. Diocson's enumeration of specific objections in
8 response to each interrogatory is not, and should not be construed to be, a waiver of
9 any objection not so specified.

10 14. By identifying or producing any information, documents or things in
11 response to any interrogatory, Diocson does not stipulate, and expressly reserves all
12 objections, to the authenticity, relevance, materiality, and admissibility of any such
13 information.

14 15. If Diocson provides information in response to any interrogatory,
15 Diocson reserves the right to provide additional information that may come to its
16 attention or become available in the future or to use such information in any hearing
17 or proceeding in this litigation or any other action.

18 16. Any response by Plaintiff that he will produce documents, responses,
19 and/or materials should not be construed to mean that responsive documents in fact
20 exist; only that, if such relevant, non-privileged, non-objectionable documents exist,
21 are in Plaintiff's possession, custody, or control, and are located after a reasonable
22 search of the location or locations where responsive documents are most likely to be
23 located, they will be produced in a timely manner.

24 These general objections are incorporated into each of the responses set forth
25 below:
26
27
28

1 **RESPONSES TO SPECIAL INTERROGATORIES**

2 **SPECIAL INTERROGATORY NO. 1:**

3 IDENTIFY by type, amount, and category all damages YOU seek for the
4 claims alleged in YOUR COMPLAINT.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

6 Plaintiff incorporates his General Objections as though set forth fully herein.
7 Plaintiff also objects to the extent this interrogatory is unduly burdensome given the
8 amount of items taken and Plaintiff's unhoused status and thus inability to keep and
9 maintain contemporaneous records. Plaintiff also objects on the ground that the
10 information sought is equally or more readily available and/or known to City through
11 its own reports of items taken by the City, its witnesses, related agencies, and its
12 agents. Plaintiff has specifically sought discovery from Defendant from which to
13 glean responsive information; however, to date, Defendant has refused to provide such
14 discovery.

15 Plaintiff objects that discovery is still ongoing and reserves the right to
16 supplement this response should relevant information be discovered at a later date. *See*
17 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
18 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
19 F.R.D. 591, 594 (D. N.M. 2007).

20 Subject to and without waiver of any of the foregoing objections, Plaintiff
21 responds as follows: On April 24, 2019, City employees seized and destroyed a wire
22 dog kennel that Diocson had just received to secure his dog, Bella. Diocson estimates
23 that the cost of a similar kennel would be between \$50-100.00.

24 Diocson is seeking emotional distress damages and damages for the violation of
25 his constitutional rights in the amount of \$10,000. He is also seeking prospective and
26 injunctive relief.

1 **SPECIAL INTERROGATORY NO. 2:**

2 State with particularity the method by which YOU quantified or calculated the
3 damages identified in response to Interrogatory No. 1.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

5 Plaintiff incorporates his General Objections as though set forth fully
6 herein. Plaintiff also objects to the extent this interrogatory is overly broad and unduly
7 burdensome given the amount of items taken and Plaintiff's unhoused status and thus
8 inability to keep and maintain contemporaneous records.

9 Plaintiff objects that discovery is still ongoing and reserves the right to
10 supplement this response should relevant information be discovered at a later date. *See*
11 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
12 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
13 F.R.D. 591, 594 (D. N.M. 2007).

14 Plaintiff has not completed quantifying or calculating all money damages
15 associated with his case. Subject to and without waiving the foregoing objections,
16 Plaintiff responds as follows: Diocson does not recall the precise value of his dog
17 kennels, but believes they would have been worth over \$100. He is also seeking
18 damages for the violation of his constitutional rights and emotional distress.

19 **SPECIAL INTERROGATORY NO. 3:**

20 IDENTIFY all facts supporting any damages that YOU contend YOU have
21 suffered as a result of the conduct alleged in YOUR COMPLAINT.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

23 Plaintiff incorporates his General Objections as though set forth fully herein.
24 Plaintiff specifically objects that "state all facts" interrogatories of this kind are unduly
25 burdensome, harassing, overly broad, and an improper use of the discovery
26 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
27 1998) (providing "every fact" could require "laborious, time consuming analysis,
28 search and description of incidental, secondary, and perhaps irrelevant and trivial

1 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
2 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
3 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
4 compound. Plaintiff further objects on the ground that this interrogatory calls for a
5 legal conclusion and on the ground that the information requested is in the possession
6 of the Defendants. Additionally, Plaintiff objects that this interrogatory calls for
7 attorney work product and attorney client communications.

8 Plaintiff also objects that discovery is still ongoing and reserves the right to
9 supplement this response should relevant information be discovered at a later date. *See*
10 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
11 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
12 F.R.D. 591, 594 (D. N.M. 2007).

13
14 **SPECIAL INTERROGATORY NO. 4:**

15 Do YOU claim to have experienced emotional distress as a result of the CITY
16 allegedly taking and destroying YOUR property on or about April 24, 2019 as alleged
17 in YOUR COMPLAINT?

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

19 Yes.

20
21 **SPECIAL INTERROGATORY NO. 5:**

22 If your answer to Interrogatory No. 4 was yes, explain with specificity the
23 nature of the emotional distress.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

25 Plaintiff incorporates his General Objections as though set forth fully herein.
26 Plaintiff specifically objects that “state all facts” interrogatories of this kind are unduly
27 burdensome, harassing, overly broad, and an improper use of the discovery
28 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.

1 1998) (providing “every fact” could require “laborious, time consuming analysis,
2 search and description of incidental, secondary, and perhaps irrelevant and trivial
3 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
4 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
5 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
6 compound. Plaintiff further objects on the ground that this interrogatory calls for a
7 legal conclusion. Plaintiff also objects on the ground that the information sought is
8 equally or more readily available and/or known to City through its own reports of
9 items taken by the City, its witnesses, related agencies, and its agents. Plaintiff has
10 specifically sought discovery from Defendant from which to glean responsive
11 information; however, to date, Defendant has refused to provide such discovery.
12 Plaintiff objects that discovery is still ongoing and reserves the right to supplement
13 this response should relevant information be discovered at a later date. *See Braun*
14 *Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in
15 responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591,
16 594 (D. N.M. 2007).

17 Subject to and without waiving any of the foregoing objections, Plaintiff
18 responds as follows: Diocson felt numb as the City was seizing and destroying his
19 belongings because it was happening so fast and he felt overwhelmed and frustrated.
20 Bella is very important to Diocson; she keeps him calm when anxious. Without a dog
21 kennel, it is more difficult for Diocson to rest assured that Bella is secured, and this
22 has left him with a sense of anxiety. Although Diocson was able to secure a new
23 kennel, the City destroyed that one as well in a subsequent clean-up. Diocson has not
24 attempted to get another kennel for fear that the City will once again destroy it, which
25 leads to ongoing anxiety.

26 The inability to question LA Sanitation or the LAPD about their decisions
27 regarding his property has also caused Plaintiff distress. Even though he disagreed
28 with the decision, Diocson felt like he could not question Officer Lopez’s statement

1 that Bella's kennel was a bulky item. But because the decision was made by a police
2 officer, he did not feel that he could challenge the decision. This has left him feeling
3 powerless and frustrated. He continues to be afraid that if he argues with LA
4 Sanitation or the LAPD or even attempts to question them about their decision that his
5 belongings are subject to seizure and destruction, he could be arrested.

6 Mr. Diocson's anxiety related to the seizure and destruction of Bella's dog
7 kennels has been compounded by the City's continued practice of seizing and
8 destroying property, including his property, on numerous occasions.

9 **SPECIAL INTERROGATORY NO. 6:**

10 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
11 has knowledge of any fact pertaining to the emotional distress.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

13 Plaintiff incorporates his General Objections as though set forth fully herein.
14 Plaintiff specifically objects to the extent the interrogatory seeks information covered
15 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
16 extent this interrogatory is overly broad and unduly burdensome given the amount of
17 items taken and Plaintiff's unhoused status and consistent seizure of and destruction
18 of her belongings by the Defendant, which limits her ability to keep and maintain
19 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
20 unduly burdensome and vague and ambiguous in asking for all persons with
21 knowledge of any fact. Plaintiff further objects that this interrogatory asks for

22 information not proportional to the needs of the case. Plaintiff objects based on the
23 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
24 is still ongoing and reserves the right to supplement this response should relevant
25 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
26 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
27 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M.
28 2007). Plaintiff further objects to the extent that facts and City employees present at

1 the scene are publicly available or more readily available to the City of Los Angeles.
2 Plaintiff has specifically sought discovery from Defendant from which to glean
3 responsive information; however, to date, Defendant has refused to provide such
4 discovery. Plaintiff continues to reserve the right to supplement these responses at a
5 later date, as discovery is ongoing.

6
7 **SPECIAL INTERROGATORY NO. 7:**

8 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
9 can compare your emotional condition prior to and following the incident of April 24,
10 2019 as alleged in YOUR COMPLAINT.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

12 Plaintiff incorporates his General Objections as though set forth fully herein.
13 Plaintiff specifically objects to the extent the interrogatory seeks information covered
14 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
15 extent this interrogatory is overly broad and unduly burdensome given the amount of
16 items taken and Plaintiff's unhoused status and thus inability to keep and maintain
17 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
18 unduly burdensome and vague and ambiguous in asking for all persons with
19 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
20 information not proportional to the needs of the case. Plaintiff objects based on the
21 right to privacy, including the privacy of third parties. Plaintiff objects that discovery

22 is still ongoing and reserves the right to supplement this response should relevant
23 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
24 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
25 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M.
26 2007). Plaintiff further objects to the extent that facts and City employees present at
27 the scene are publicly available or more readily available to the City of Los Angeles.
28

1 Plaintiff reserves the right to supplement these responses at a later date, as discovery
2 is ongoing.

3
4 **SPECIAL INTERROGATORY NO. 8:**

5 IDENTIFY each piece of property YOU claim the CITY destroyed for which
6 YOU are seeking damages and the exact monetary value of each item.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

8 Plaintiff incorporates his General Objections as though set forth fully herein.
9 Plaintiff also objects to the extent this interrogatory is overly broad and unduly
10 burdensome given the amount of items taken and Plaintiff's unhoused state and his
11 inability to keep and maintain contemporaneous records while having his belongings
12 repeatedly taken. Plaintiff also objects on the ground that the information sought is
13 equally or more readily available and/or known to City through its own reports of
14 items taken by the City, its witnesses, related agencies, and its agents. Plaintiff has
15 specifically sought discovery from Defendant from which to glean responsive
16 information; however, to date, Defendant has refused to provide such discovery.
17 Plaintiff further specifically objects that the interrogatory is ambiguous as to the term
18 "damages" and whether the term refers solely to monetary relief.

19 Plaintiff objects that discovery is still ongoing and reserves the right to
20 supplement this response should relevant information be discovered at a later date. See
21 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
22 delay in responses until designated discovery completed), *Lucero v. Valdez*, 240
23 F.R.D. 591, 594 (D. N.M. 2007).

24 Subject to and without waiver of any of the foregoing objections, Plaintiff
25 responds as follows: The City failed to provide Mr. Diocson with an inventory of the
26 items destroyed, but as far as Plaintiff recalls, they were as follows: On April 24,
27 2019, City employees destroyed a wire dog kennel that Diocson had just received to
28 secure his dog, Bella. Diocson estimates that the cost of a similar kennel would be

1 over \$100. Although Diocson was able to obtain a replacement kennel, the City
2 destroyed that one as well in a subsequent clean-up. Diocson estimates that the cost of
3 replacing the kennels would be over \$100.

4
5 **SPECIAL INTERROGATORY NO. 9:**

6 IDENTIFY all facts REFERRING OR RELATING TO YOUR allegation in
7 paragraph 215 of YOUR COMPLAINT that “[you] had seen other individuals
8 arrested by LAPD officers when they tried to challenge sanitation workers’
9 determinations about what items would be thrown away.”

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

11 Plaintiff incorporates his General Objections as though set forth fully herein.
12 Plaintiff specifically objects to the extent this interrogatory calls for “all facts” about
13 Plaintiff’s damages and on the grounds that “state all facts” interrogatories of this kind
14 are unduly burdensome, harassing, overly broad, and an improper use of the discovery
15 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
16 1998) (providing “every fact” could require “laborious, time consuming analysis,
17 search and description of incidental, secondary, and perhaps irrelevant and trivial
18 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
19 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
20 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
21 compound. Plaintiff further objects to the extent that this interrogatory calls for

22 attorney work product and attorney-client communications.

23 Plaintiff also objects to the extent this interrogatory is overly broad and unduly
24 burdensome given the amount of items taken and Plaintiff’s unhoused state and his
25 inability to keep and maintain contemporaneous records while having his belongings
26 repeatedly taken. Plaintiff also objects on the ground that the information sought is
27 equally or more readily available and/or known to City through its own reports of
28 items taken by the City, its witnesses, related agencies, and its agents. Plaintiff has

1 specifically sought discovery from Defendant from which to glean responsive
2 information; however, to date, Defendant has refused to provide such discovery.

3 Plaintiff objects that discovery is still ongoing and reserves the right to
4 supplement this response should relevant information be discovered at a later date. *See*
5 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
6 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
7 F.R.D. 591, 594 (D. N.M. 2007).

8 Subject to and without waiver of any of the foregoing objections, Plaintiff
9 responds as follows: During cleanups, Mr. Diocson has seen individuals harassed by
10 LAPD. On one occasion, when individuals in his encampment were being told to
11 move to another location during a cleanup, he saw a number of individuals
12 detained. He does not know if these individuals were booked and taken into custody
13 or the basis of these arrests. He does not know the dates of these incidents.

14
15 **SPECIAL INTERROGATORY NO. 10:**

16 IDENTIFY all PERSONS with knowledge of the facts stated in YOUR
17 response to Interrogatory No. 9.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

19 Plaintiff incorporates his General Objections as though set forth fully herein.
20 Plaintiff specifically objects to the extent the interrogatory seeks information covered
21 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
22 extent this interrogatory is overly broad and unduly burdensome given Plaintiff's
23 unhoused state and his inability to keep and maintain contemporaneous records while
24 having his belongings repeatedly taken. Plaintiff also objects on the ground that the
25 information sought is equally or more readily available and/or known to City through
26 its own reports of items taken by the City, its witnesses, related agencies, and its
27 agents. Plaintiff has specifically sought discovery from Defendant from which to
28 glean responsive information; however, to date, Defendant has refused to provide such

discovery. Plaintiff further objects that discovery is still ongoing and reserves the right to supplement this response should relevant information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

SPECIAL INTERROGATORY NO. 11:

IDENTIFY the photographs attached as Exhibits B and C to your declaration dated February 25, 2020 (Dkt. No. 38-5), including the name and contact information of the person(s) who took the photographs, the date(s) on which they were taken, and the location(s) in which the photographs were taken.

RESPONSE TO SPECIAL INTERROGATORY NO. 11:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff also objects on the ground that the information sought is equally available and/or known to City through its own reports of items taken by the City, its witnesses, and its agents, and through Plaintiff's filed government tort claims. Plaintiff specifically objects to the extent this interrogatory seeks information covered by attorney-work product or the attorney-client privilege.

Subject to and without waiving any of the foregoing objections, Plaintiff responds as follows:

Exhibit B:

- a) A photo of Bella's second kennel. Diocson was present when the photo was taken, and it is a true and accurate representation of the kennel he obtained after City employees destroyed the first one.
- b) LAFLA
- c) July 17, 2019
- d) Homeless encampment at Lomita Blvd. and McCoy Avenue, Los Angeles, CA.

Exhibit C:

- a) A photo of a plastic bin that Diocson used to store his items. Diocson was present when the photo was taken, and it is a true and accurate representation of his belongings.
- b) LAFLA
- c) February 24, 2020
- d) Homeless encampment at Lomita Blvd. and McCoy Avenue, Los Angeles, CA.

SPECIAL INTERROGATORY NO. 12:

If you contend that any item(s) depicted in the photographs attached as Exhibits B and C to your declaration dated February 25, 2020 (Dkt. No. 38-5) were removed or discarded by the CITY, please IDENTIFY any such items and all facts relating to the circumstances under which the items were removed or discarded.

RESPONSE TO SPECIAL INTERROGATORY NO. 12:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff also objects on the ground that the information sought is equally available and/or known to City through its own reports of items taken by the City, its witnesses, and its agents, and through Plaintiff's filed government tort claims. Plaintiff specifically objects to the extent this interrogatory seeks information covered by attorney-work product or the attorney-client privilege. Plaintiff further objects that "state all facts" interrogatories of this kind are unduly burdensome, harassing, overly broad, and an improper use of the discovery process. *See IBP, Inc. v. Mercantile Bank of India, Ltd.*, 179 F.R.D. 316, 321 (D. Kan. 1998) (providing "every fact" could require "laborious, time consuming analysis, search and description of incidental, secondary, and perhaps irrelevant and trivial details."). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D. Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same). Plaintiff will provide a brief summary of relevant facts sufficient to allow the City to identify the photos.

1 Subject to and without waiver of any of the foregoing objections, Plaintiff
2 responds as follows: Exhibit B attached to Diocson's February 25, 2020 declaration is
3 a photo of Bella's second kennel. Diocson was present when the photo was taken, and
4 it is a true and accurate representation of the kennel he obtained after City employees
5 destroyed the first one as described in the complaint. The kennel photographed in
6 Exhibit B was destroyed by LA Sanitation in late 2019.

7
8
9
10
11 Dated: November 13, 2020

Respectfully submitted,
SCHONBRUN SEPLOW HARRIS & HOFFMAN
LLP

12
13
14 /s/ Catherine Sweetser
Catherine Sweetser

15 *Attorneys for All Plaintiffs*
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PROOF OF SERVICE

I, La Tonya Fountain, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On November 13, 2020, I served the following document(s) described as:

PLAINTIFF PETER DIOCSO JR.'S OBJECTIONS AND RESPONSES TO DEFENDANT CITY OF LOS ANGELES' SPECIAL INTERROGATORIES (SET ONE); VERIFICATION.

on the interested parties in this action as follows:

☒ **E-MAIL**

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the e-mail transmission is returned as undeliverable.

FELIX LEBRON,
felix.lebron@lacity.org,
A. PATRICIA URSEA,
patricia.ursea@lacity.org,
JESSICA MARIANI,
jessica.mariani@lacity.org
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012
Telephone: (213) 978-7559
Facsimile: (213) 978-7011

Attorneys for Defendant, CITY OF LOS ANGELES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2020, at Los Angeles, California.



La Tonya D. Fountain

Shayla Myers (SBN 264054)
Mallory Andrews (SBN 312209)
Pui Yee Yu (SBN 308122)
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*Attorneys for Gladys Zepeda, Miriam Zamora,
Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF JAMES
HAUGABROOK'S OBJECTIONS
AND RESPONSES TO
DEFENDANT CITY OF LOS
ANGELES' SPECIAL
INTERROGATORIES (SET ONE)**

PROPOUNDING PARTY: Defendant City of Los Angeles

RESPONDING PARTY: Plaintiff James Haugabrook

SET: One

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2 Kristina Harootun (SBN 308718)
3 John Washington (SBN 315991)
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27 *Attorneys for Plaintiffs Known for All, Janet Garcia,*
28 *Peter Diocson Jr., Marquis Ashley, Ali El-Bey*

Case 5:18-cv-00185-DSE-BLV Document 1-1 Filed 04/10/18 Page 11 of 32 Page ID

1 James Haugabrook, through his undersigned counsel, hereby provides his
2 objections to City of Los Angeles' ("City") First Set of Special Interrogatories to
3 Plaintiff James Haugabrook, served on September 28, 2020, as follows:
4

5 **PRELIMINARY STATEMENT**

6 Despite having undertaken a diligent effort to respond to these discovery
7 requests, Plaintiff James Haugabrook reserves the right to amend or supplement these
8 responses and objections herein if necessary, at a later date, and to use subsequently
9 discovered facts and facts known but whose relevance, significance, or applicability
10 has not yet been ascertained.

11 1. The responses and objections below are based upon information known or
12 believed to be true by Plaintiff at the time of responding. Plaintiff and his attorneys
13 have not completed their discovery, investigation, or preparation for trial, nor have
14 they concluded their analysis of information gathered to date. Future discovery and
15 independent investigation may supply additional facts or information, add meaning to
16 known facts, and may establish entirely new factual conclusions or contentions.
17 Thus, Plaintiff and his attorneys reserve the right to supplement and/or amend these
18 responses and objections pursuant to the Federal Rules of Civil Procedure and
19 applicable law.

20 2. Plaintiff's objections are made without in any way waiving or intending to
21 waive, and instead Plaintiff preserves and intends to preserve the following:

22 a. The right to raise all questions of authenticity, relevancy, materiality,
23 privilege or admissibility with respect to the information provided and the documents
24 identified and/or produced in response to these Special Interrogatories, which may
25 arise in any subsequent proceeding, including the trial of this or any other action;

26 b. The right to object to the use of the information and/or documents in any
27 subsequent proceeding, including the trial of this or any other action;
28

1 c. The right to make subsequent responses if Plaintiff and/or his attorneys
2 uncover additional information and/or documents called for by these Special
3 Interrogatories, as Plaintiff's investigation of the facts and the evidence pertinent to
4 this action is continuing.

5 3. Words and terms used in the below responses and/or objections shall be
6 construed in accordance with their normal meanings and connotations, and shall in no
7 way be interpreted as terms of art or statutorily defined terms, and Plaintiff
8 specifically disavows any such meaning or connotation that might be accorded to
9 such terms unless specifically stated otherwise.

10 4. Nothing in these responses and/or objections is an admission by Plaintiff of
11 the existence, relevance, or admissibility of any information, for any purpose, or the
12 truth or accuracy of any statement or characterization contained in the response.

13 14 **GENERAL OBJECTIONS**

15 The following general objections are made to each and every request and are
16 deemed to be incorporated into the specific objections and responses provided to each
17 request:

18 1. Plaintiff bases these objections and responses on the assumption that
19 Defendant, in propounding these interrogatories, did not intend to seek information
20 protected against discovery by the attorney-client privilege, the work-product
21 doctrine, or documents that contain or reflect the impressions, conclusion, opinion,
22 legal research or theories of Plaintiff's attorneys or their agents. To the extent that
23 Defendant's interrogatories, or any part thereof, are intended to elicit such
24 information, Plaintiff objects thereto and asserts the privileges provided in and by the
25 foregoing doctrines to the fullest extent permitted by law. Nothing contained in these
26 responses should be considered a waiver of any attorney-client privilege, work-
27 product protection, or any other applicable privilege or doctrine. Plaintiff does not
28

1 intend to produce documents that would divulge any privileged information. Any
2 such disclosure is inadvertent and shall not be deemed a waiver of any applicable
3 privilege or immunity.

4 2. Plaintiff objects to these interrogatories to the extent that they seek
5 information protected from disclosure by the right to privacy, or any other applicable
6 privilege. To the extent that Defendant's interrogatories, or any part thereof, are
7 intended to elicit such information, Plaintiff objects thereto and asserts the privileges
8 provided in and by the foregoing doctrines to the fullest extent permitted by law.

9 3. Plaintiff objects to each interrogatory to the extent that it purports to impose
10 discovery obligations exceeding those provided for in the Federal Rules of Civil
11 Procedure or the Local Rules for the United States District Court for the Central
12 District of California, orders entered in this case, or agreements among the parties.

13 4. Plaintiff objects to the "Definitions" and "Instructions and Applicable
14 Rules" to the extent that they seek to impose requirements or obligations in addition
15 to or different from those imposed by the Federal Rules of Civil Procedure or the
16 Local Rules for the United States District Court for the Central District of California,
17 orders in this case, or agreements among the parties. Plaintiff further objects to the
18 "Definitions" and "Instructions and Applicable Rules" to the extent they purport to
19 alter the plain meaning and/or scope of any specific request, on the ground that such
20 alteration renders the interrogatory vague, ambiguous, unduly broad, and/or
21 uncertain, by failing to adequately define terms or by using terms the meaning of

22 which are not readily available or decipherable. Plaintiff will not undertake, assume,
23 or comply with the "Definitions" and "Instructions and Applicable Rules" to the
24 extent they exceed the Federal Rules of Civil Procedure or the Local Rules for the
25 United States District Court for the Central District of California. Plaintiff's
26 responses shall not be construed as an admission, agreement, or acquiescence in any
27 Definition or Instruction.
28

1 5. Plaintiff objects to each interrogatory to the extent that it is cumulative or
2 duplicative.

3 6. Plaintiff is responding to each interrogatory as it interprets and understands
4 each interrogatory with respect to the issues in this action. If the City asserts a
5 different interpretation of any interrogatory, Plaintiff reserves the right to supplement
6 or amend its responses and/or objections.

7 7. Plaintiff objects to each request to the extent that it is overly broad, unduly
8 burdensome, and/or calls for the production of documents or things that are neither
9 relevant to any claim or defense in this action nor reasonably likely to lead to the
10 discovery of admissible evidence.

11 8. Plaintiff objects to each request to the extent that it calls for information
12 and/or production of documents and/or things that are not within Plaintiff's
13 possession, custody, or control, or calls for Plaintiff to prepare documents and/or
14 things that do not already exist.

15 9. Plaintiff objects to each interrogatory to the extent that it calls for responses
16 that are publicly available or equally available to City, and therefore are of no greater
17 burden for City to obtain than for Plaintiff to obtain.

18 10. Plaintiff objects to each request to the extent that it is vague, ambiguous, or
19 confusing due to City's failure to define terms or failure to describe the information
20 sought with reasonable particularity.

21 11. Plaintiff objects to any factual characterizations in City's interrogatories.

22 By responding, Plaintiff does not accept or admit any of City's factual
23 characterizations.

24 12. Plaintiff's discovery and investigation in connection with this case are
25 ongoing. As a result, Plaintiff's responses concern information obtained and
26 reviewed to date, and the objections, limitations, and responses contained in these
27 response are subject to and without waiver of any right of Plaintiff to: (a) object to
28

1 other discovery requests directed to the subject matter of the requests and this
2 response; (b) make additional or supplementary objections to the Requests; and (c)
3 revise, correct, supplement, or clarify the contents of this Response, after considering
4 information obtained or review through further discovery and investigation.

5 13. No objections, limitation, or response, or lack thereof, made herein shall be
6 deemed an admission by Plaintiff as to the existence or non-existence of any
7 information, and shall not be construed in any way as an admission that any
8 definition provided by the City is either factually correct or legally binding upon
9 Plaintiff, or as a waiver of any of Plaintiff's objections, including but not limited to
10 objections regarding discoverability of documents or other evidence. Plaintiff's
11 enumeration of specific objections in response to each request is not, and should not
12 be construed to be, a waiver of any objection not so specified.

13 14. By identifying or producing any information, documents and/or things, or
14 persons with knowledge, in response to any interrogatory, Plaintiff does not stipulate,
15 and expressly reserves all objections, to the authenticity, relevance, materiality, and
16 admissibility of any such information.

17 15. If Plaintiff provides information in response to any request, Plaintiff
18 reserves the right to provide additional information that may come to his attention or
19 become available in the future or to use such information in any hearing or
20 proceeding in this litigation or any other action.

21 16. Any response by Plaintiff that he will produce documents, responses,
22 and/or materials should not be construed to mean that responsive documents in fact
23 exist; only that, if such relevant, non-privileged, non-objectionable documents exist,
24 are in Plaintiff's possession, custody, or control, and are located after a reasonable
25 search of the location or locations where responsive documents are most likely to be
26 located, they will be produced in a timely manner.

1 These general objections are incorporated into each of the responses set forth
2 below:

3
4 **RESPONSES TO INTERROGATORIES**

5
6 **SPECIAL INTERROGATORY NO. 1:**

7 IDENTIFY by type, amount, and category all damages YOU seek for the
8 claims alleged in YOUR COMPLAINT.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

10 Plaintiff incorporates his General Objections as though set forth fully herein.
11 Plaintiff also objects to the extent this interrogatory is unduly burdensome given the
12 amount of items taken and Plaintiff's unhoused status and thus inability to keep and
13 maintain contemporaneous records. Plaintiff also objects on the ground that the
14 information sought is equally or more readily available and/or known to City through
15 its own reports of items taken by the City, its witnesses, related agencies, and its
16 agents. Plaintiff has specifically sought discovery from Defendant from which to
17 glean responsive information; however, to date, Defendant has refused to provide
18 such discovery.

19 Plaintiff objects that discovery is still ongoing and reserves the right to
20 supplement this response should relevant information be discovered at a later
21 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
22 (permitting delay in responses until designated discovery completed); *Lucero v.*
23 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

24 Subject to and without waiver of any of the foregoing objections, Plaintiff
25 responds as follows: Plaintiff seeks compensatory damages for his belongings that
26 have been seized and destroyed by the City of Los Angeles, in violation of his
27 constitutional rights. Mr. Haugabrook has had his property taken on a number of
28

occasions, in violation of his constitutional rights. Because the City of Los Angeles did not provide an inventory of the items that were taken, he cannot currently identify with specificity the items that were taken or the exact dates those items were taken. He can identify the following at this time: on or about March 2019, the City of Los Angeles took and destroyed Plaintiff's belongings, including his backpack and all of its contents, including a phone and chargers. On or about April 2019, LA Sanitation workers threw out other items, including Plaintiff's plastic lawn chair and a dining room chair, each of which cost approximately \$20 to \$40. On yet another occasion, LA Sanitation threw out Plaintiff's tent and other items necessary for survival, including a sleeping cot which Plaintiff estimates was worth approximately \$50. He estimates that two additional chairs that were destroyed cost between \$20 to \$40 each, and a sleeping cot that was thrown out cost approximately \$50. Plaintiff estimates that the total amount of his items taken over time was approximately \$2,000 to \$4,000. Discovery is ongoing, and Plaintiff specifically reserves the right to supplement this response.

Plaintiff also seeks emotional distress damages. Plaintiff's total damages are estimated at \$10,000.

SPECIAL INTERROGATORY NO. 2:

State with particularity the method by which YOU quantified or calculated the damages identified in response to Interrogatory No. 1.

RESPONSE TO SPECIAL INTERROGATORY NO. 2:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff also objects to the extent this interrogatory is overly broad and unduly burdensome given the amount of items taken and Plaintiff's unhoused status and thus inability to keep and maintain contemporaneous records.

1 Plaintiff objects that discovery is still ongoing and reserves the right to
2 supplement this response should relevant information be discovered at a later
3 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
4 (permitting delay in responses until designated discovery completed); *Lucero v.*
5 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

6 Subject to and without waiving any of the foregoing objections, Plaintiff
7 responds as follows: Plaintiff has not completed quantifying or calculating all money
8 damages associated with his case. He does not now recall each item that has been
9 taken by Defendant or the precise value of each item that was taken, but he estimates
10 that the value of the chairs that were taken was approximately \$20.00 per chair. He
11 estimates that the value of the cot that was taken was approximately \$50.00. He
12 estimates that the total value of belongings taken at around \$2,000 to \$4,000.00. He is
13 also seeking damages for the violation of his constitutional rights and emotional
14 distress.

15
16 **SPECIAL INTERROGATORY NO. 3:**

17 IDENTIFY all facts supporting any damages that YOU contend YOU have
18 suffered as a result of the conduct alleged in YOUR COMPLAINT.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

20 Plaintiff incorporates his General Objections as though set forth fully herein.
21 Plaintiff specifically objects that “state all facts” interrogatories of this kind are
22 unduly burdensome, harassing, overly broad, and an improper use of the discovery
23 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
24 1998) (providing “every fact” could require “laborious, time consuming analysis,
25 search and description of incidental, secondary, and perhaps irrelevant and trivial
26 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
27 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).

1 Plaintiff also objects that this interrogatory is vague, ambiguous, overly broad and
2 compound. Plaintiff further objects on the ground that this interrogatory calls for a
3 legal conclusion and on the ground that the information requested is in the possession
4 of the Defendants. Plaintiff has specifically sought discovery from Defendant from
5 which to glean responsive information; however, to date, Defendant has refused to
6 provide such discovery. Additionally, Plaintiff objects to the extent this interrogatory
7 calls for attorney work product and attorney client communications.

8 Plaintiff also objects that discovery is still ongoing and reserves the right to
9 supplement this response should relevant information be discovered at a later
10 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
11 (permitting delay in responses until designated discovery completed); *Lucero v.*
12 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

13
14 **SPECIAL INTERROGATORY NO. 4:**

15 Do YOU claim to have experienced emotional distress as a result of the CITY
16 allegedly taking and destroying YOUR property on or about March 2019 and/or June
17 24, 2019 as alleged in YOUR COMPLAINT?

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

19 Plaintiff incorporates his General Objections as though set forth fully herein.
20 Plaintiff objects that discovery is still ongoing and reserves the right to supplement
21 this response should relevant information be discovered at a later date. *See Braun*
22 *Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in
23 responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591,
24 594 (D. N.M. 2007).

25 Subject to and without waiving any of the foregoing objections, Plaintiff
26 responds as follows: Yes, Plaintiff experienced emotional distress.

1 **SPECIAL INTERROGATORY NO. 5:**

2 If your answer to Interrogatory No. 4 was yes, explain with specificity the
3 nature of the emotional distress.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

5 Plaintiff incorporates his General Objections as though set forth fully herein.
6 Plaintiff specifically objects that “state all facts” interrogatories of this kind are
7 unduly burdensome, harassing, overly broad, and an improper use of the discovery
8 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
9 1998) (providing “every fact” could require “laborious, time consuming analysis,
10 search and description of incidental, secondary, and perhaps irrelevant and trivial
11 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
12 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
13 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
14 compound. Plaintiff further objects on the ground that this interrogatory calls for a
15 legal conclusion. Plaintiff also objects on the ground that the information sought is
16 equally or more readily available and/or known to City through its own reports of
17 items taken by the City, its witnesses, related agencies, and its agents. Plaintiff has
18 specifiially sought discovery from Defendant from which to glean responsive
19 information; however, to date, Defendant has refused to provide such discovery.
20 Plaintiff objects that discovery is still ongoing and reserves the right to supplement
21 this response should relevant information be discovered at a later date. *See Braun*
22 *Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in
23 responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591,
24 594 (D. N.M. 2007).

25 Subject to and without waiving any of the foregoing objections, Plaintiff
26 responds as follows: The removal and destruction of Plaintiff’s belongings as well as
27
28

1 the threat of losing other belongings at the hands of city workers or facing arrest has
2 caused Plaintiff emotional distress.

3 First, it was incredibly difficult for Plaintiff to watch city workers throw his
4 belongings away as well as the belongings of his neighbors. The time Plaintiff has
5 spent surviving on the streets has taught him one man's trash is another man's
6 treasure, but Plaintiff believes city workers clearly viewed his possessions, as well as
7 his unhoused neighbors' possessions, as trash. Plaintiff knew it would be harder to
8 get out of homelessness each time a sweep occurred, because each time he lost
9 personal items he depended upon to survive.

10 The inability to question city workers about their decisions regarding his
11 property made Plaintiff feel like he was a nobody, like he was powerless and didn't
12 have any say so about what happened to his possessions. Though Plaintiff felt the
13 situation was unfair, he did not feel like he could argue with city workers or
14 otherwise resist their destruction of his property; Los Angeles Police Department
15 officers were present and Plaintiff did not want to go to jail or otherwise get in
16 trouble legally. Standing back and watching his belongings get thrown away, without
17 being able to contest the decisions to throw the belongings away made him incredibly
18 frustrated, but there was nothing he could do about it. Plaintiff worked hard to keep
19 his living areas clean, but this did not make a difference to city workers, who seized
20 and destroyed his belongings anyway. Each incident caused Plaintiff to feel
21 increasingly powerless, and he carries that frustration and powerlessness with him.

22 Plaintiff's distress related to the seizure and destruction of his property on or
23 about March 2019, on or about April 2019, and on other yet-to-be-identified dates
24 made it harder for him to accomplish life tasks because he felt he could not leave his
25 belongings. Each time he left his living area in search of housing or to accomplish
26 other activities of daily living that he worked hard to prioritize, he was afraid that he
27 would come back and find that his property had been seized and destroyed. Plaintiff
28

1 felt beat down, and it became harder and harder for him to find the motivation to look
2 for housing, even when he was given a Section 8 voucher.

3
4 **SPECIAL INTERROGATORY NO. 6:**

5 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
6 has knowledge of any fact pertaining to the emotional distress.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

8 Plaintiff incorporates his General Objections as though set forth fully herein.
9 Plaintiff specifically objects to the extent the interrogatory seeks information covered
10 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
11 extent this interrogatory is overly broad and unduly burdensome given the amount of
12 items taken and Plaintiff unhoused status and thus inability to keep and maintain
13 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
14 unduly burdensome and vague and ambiguous in asking for all persons with
15 knowledge of any fact. Plaintiff also objects based on the right to privacy, including
16 the privacy of third parties. Plaintiff objects that discovery is still ongoing and
17 reserves the right to supplement this response should relevant information be
18 discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527
19 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed);
20 *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Additionally, Plaintiff
21 objects to the extent that facts and City employees present at the scene are publicly
22 available or more readily available to the City of Los Angeles. Plaintiff has
23 specifically sought discovery from Defendant from which to glean responsive
24 information; however, to date, Defendant has refused to provide such discovery.
25 Plaintiff continues to reserve the right to supplement these responses at a later date,
26 as discovery is ongoing.

1 **SPECIAL INTERROGATORY NO. 7:**

2 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
3 can compare your emotional condition prior to and following the incidents of March
4 2019 and/or June 24, 2019 as alleged in YOUR COMPLAINT.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

6 Plaintiff incorporates his General Objections as though set forth fully herein.
7 Plaintiff specifically objects to the extent this interrogatory seeks information covered
8 by attorney-work product or the attorney-client privilege. Plaintiff also objects to the
9 extent this interrogatory is overly broad and unduly burdensome given the amount of
10 items taken and Plaintiff's unhoused status and thus inability to keep and maintain
11 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
12 unduly burdensome and vague and ambiguous in asking for all persons with
13 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
14 information not proportional to the needs of this case. Plaintiff objects based on the
15 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
16 is still ongoing and reserves the right to supplement this response should relevant
17 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
18 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
19 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).
20 Plaintiff further objects to the extent that facts and City employees present at the
21 scene are publicly available or more readily available to the City of Los Angeles.
22 Plaintiff continues to reserve the right to supplement these responses at a later date,
23 as discovery is ongoing.

24
25 **SPECIAL INTERROGATORY NO. 8:**

26 IDENTIFY each piece of property YOU claim the CITY destroyed for which
27 YOU are seeking damages and the exact monetary value of each item.
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

2 Plaintiff incorporates his General Objections as though set forth fully herein.
3 Plaintiff also objects to the extent this interrogatory is overly broad and unduly
4 burdensome given the amount of items taken and Plaintiff's unhoused status and his
5 inability to keep and maintain contemporaneous records while having his belongings
6 repeatedly taken. Plaintiff also objects on the ground that the information sought is
7 equally or more readily available and/or known to City through its own reports of
8 items taken by the City, its witnesses, and its agents. Plaintiff has specifically sought
9 discovery from Defendant from which to glean responsive information; however, to
10 date, Defendant has refused to provide such discovery. Plaintiff further specifically
11 objects that the interrogatory is ambiguous as to the term "damages" and whether the
12 term refers solely to monetary relief. Plaintiff objects that discovery is still ongoing
13 and reserves the right to supplement this response should relevant information be
14 discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527
15 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed);
16 *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

17 Subject to and without waiver of any of the foregoing objections, Plaintiff
18 responds as follows: The City failed to provide Plaintiff with an inventory of the
19 items destroyed at each sweep, but Plaintiff recalls his backpack and its contents was
20 destroyed, including a phone and chargers. In addition, Plaintiff recalls that he lost a
21 cot for sleeping, which he estimates to have cost approximately \$50, and two chairs,
22 which he recalls cost between \$20 to \$40 each. Plaintiff has lost other chairs for
23 which he cannot estimate a value, and other personal belongings for which he cannot
24 presently estimate a monetary value.

25
26 **SPECIAL INTERROGATORY NO. 9:**

1 IDENTIFY all facts REFERRING OR RELATING TO YOUR allegation in
2 paragraph 194 of YOUR COMPLAINT that “[you ha[ve] repeatedly been subjected
3 to a number of rapid responses by LA Sanitation and the LAPD, resulting in the loss
4 of many of [your] belongings.”

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

6 Plaintiff incorporates his General Objections as though set forth fully herein.
7 Plaintiff specifically objects to the extent this interrogatory calls for “all facts” about
8 Plaintiff’s damages and on the grounds that “state all facts” interrogatories of this
9 kind are unduly burdensome, harassing, overly broad, and an improper use of the
10 discovery process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321
11 (D. Kan. 1998) (providing “every fact” could require “laborious, time consuming
12 analysis, search and description of incidental, secondary, and perhaps irrelevant and
13 trivial details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48
14 (C.D. Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
15 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
16 compound. Plaintiff further objects to the extent that this interrogatory calls for
17 attorney work product and attorney client communications.

18 Plaintiff also objects to the extent this interrogatory is overly broad and unduly
19 burdensome given the amount of items taken and Plaintiff’s unhoused status and his
20 inability to keep and maintain contemporaneous records while having his belongings
21 repeatedly taken. Plaintiff also objects on the ground that the information sought is
22 equally or more readily available and/or known to City through its own reports of
23 items taken by the City, its witnesses, related agencies, and its agents.

24 Plaintiff objects that discovery is still ongoing and reserves the right to
25 supplement this response should relevant information be discovered at a later
26 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)

(permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff has specifically sought discovery from Defendant from which to glean responsive information; however, to date, Defendant has refused to provide such discovery. Plaintiff continues to reserve the right to supplement these responses at a later date, as discovery is ongoing.

SPECIAL INTERROGATORY NO. 10:

IDENTIFY all PERSONS with knowledge of the facts stated in YOUR response to Interrogatory No. 9.

RESPONSE TO SPECIAL INTERROGATORY NO. 10:

Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff specifically objects to the extent the interrogatory seeks information covered by attorney work-product or the attorney-client privilege. Plaintiff also objects to the extent this interrogatory is overly broad and unduly burdensome given Plaintiff's unhoused status and his inability to keep and maintain contemporaneous records while having his belongings repeatedly taken. Plaintiff also objects on the ground that the information is equally or more readily available and/or known to City through its own reports of items taken by the City, its witnesses, related agencies, and its agents. Plaintiff further objects that discovery is still ongoing and reserves the

right to supplement this response should relevant information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff has specifically sought discovery from Defendant from which to

1 glean responsive information; however, to date, Defendant has refused to provide
2 such discovery. Plaintiff continues to reserve the right to supplement these responses
3 at a later date, as discovery is ongoing.
4

5 **SPECIAL INTERROGATORY NO. 11:**

6 IDENTIFY all facts supporting YOUR allegation in paragraph 208 of YOUR
7 COMPLAINT that “finding a landlord to accept the [Section 8] voucher is already
8 incredibly difficult, but because of the sweeps and the need to stay with [your]
9 belongings, [you] ha[ve] found it even more difficult to search for an apartment that
10 will accept the voucher.”

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

12 Plaintiff incorporates his General Objections as though set forth fully herein.
13 Plaintiff specifically objects to the extent this interrogatory calls for “all facts” about
14 Plaintiff’s damages. “State all facts” interrogatories of this kind are unduly
15 burdensome, harassing, overly broad, and an improper use of the discovery
16 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
17 1998) (providing “every fact” could require “laborious, time consuming analysis,
18 search and description of incidental, secondary, and perhaps irrelevant and trivial
19 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
20 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
21 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
22 compound.

23 Plaintiff objects that discovery is still ongoing and reserves the right to
24 supplement this response should relevant information be discovered at a later
25 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
26 (permitting delay in responses until designated discovery completed); *Lucero v.*
27 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).
28

1 Subject to and without waiving any of the foregoing objections, Plaintiff
2 responds as follows: Finding a landlord who will accept a Section 8 voucher is
3 difficult, as landlords were not legally required to accept such vouchers in 2019. In
4 fact, a 2018 Urban Institute study found that in Los Angeles, 76% of landlords
5 refused to accept vouchers overall, and 82% of landlords in low-poverty
6 neighborhoods refused to accept vouchers. *See* A Pilot Study of Landlord
7 Acceptance of Housing Choice Vouchers, Urban Institute (Sept. 20, 2018),
8 [https://www.urban.org/research/publication/pilot-study-landlord-acceptance-housing-](https://www.urban.org/research/publication/pilot-study-landlord-acceptance-housing-choice-vouchers)
9 [choice-vouchers](https://www.urban.org/research/publication/pilot-study-landlord-acceptance-housing-choice-vouchers). Paul Krekorian, a member of the Los Angeles City Council, has
10 observed that “[n]early half of Los Angeles residents who have Federal Section 8
11 housing vouchers will see their voucher expire before finding a landlord willing to
12 rent to them during the 180 day period.” Signing Bonuses to Landlords Who
13 Accept Section 8 Vouchers, Paul Krekorian – City Councilmember (Feb. 14, 2020),
14 https://www.paulkrekorian.org/signing_bonuses_landlords_section_8_vouchers.

15 In addition to the difficulties that would-be tenants face in attempting to utilize
16 their housing vouchers generally, Plaintiff faced the additional burden of distress
17 from the seizure and destruction of his property as a result of rapid response cleanups
18 conducted by the City’s HOPE teams. Because these actions were unnoticed,
19 Plaintiff could not anticipate when LAPD and LA Sanitation would come. As a
20 result, Plaintiff felt worried about leaving his belongings, and he was constantly
21 afraid he would return to find that his property had been seized and destroyed in his
22 absence. This stress and concern made it difficult for Plaintiff to prioritize and
23 accomplish all the tasks necessary to exit homelessness, including applying to
24 housing units with his housing voucher.

25
26 Dated: November 13, 2020

27 Respectfully submitted,
28

LEGAL AID FOUNDATION OF LOS ANGELES

/s/ Pui Yee Yu

Pui Yee Yu

*Attorneys for Plaintiffs Gladys Zepeda, Miriam
Zamora, Ali El-Bey, Pete Diocson Jr., Marquis
Ashley, James Haugabrook, and Ktown for All*

#1050

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PROOF OF SERVICE

I, La Tonya Fountain, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On November 13, 2020, I served the following document(s) described as:

**PLAINTIFF JAMES HAUGABROOK'S OBJECTIONS AND
RESPONSES TO DEFENDANT CITY OF LOS ANGELES' SPECIAL
INTERROGATORIES (SET ONE); VERIFICATION.**

on the interested parties in this action as follows:



E-MAIL

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the email transmission is returned as undeliverable.

GABRIEL DERMER,
gabriel.dermer@lacity.org
FELIX LEBRON,
felix.lebron@lacity.org,
A. PATRICIA URSEA,
patricia.ursea@lacity.org,
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012
Telephone: (213) 978-7559
Facsimile: (213) 978-7011

Attorneys for Defendant, CITY OF LOS ANGELES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2020, at Los Angeles, California.



La Tonya D. Fountain

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Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, a
municipal entity,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF MIRIAM ZAMORA'S
OBJECTIONS AND RESPONSES
TO DEFENDANT CITY OF LOS
ANGELES' SPECIAL
INTERROGATORIES (SET ONE)**

Complaint Filed Date: July 18, 2019

#1058

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PROPOUNDING PARTY: Defendant City of Los Angeles

RESPONDING PARTY: Plaintiff Miriam Zamora

SET: One

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Association for Responsible and Equitable Public
Spending

#1050

Case 2:16-cv-00185-DSE-BLV Document 155-2 Filed 04/01/17 Page 133 of 172 Page ID

1 Miriam Zamora (“Zamora”), through her undersigned counsel, hereby provides
2 her objections and responses to City of Los Angeles’ (the “City”) Special
3 Interrogatories to Plaintiff Zamora (Set One), served on September 28, 2020, as
4 follows:

5 **PRELIMINARY STATEMENT**

6 Despite having undertaken a diligent effort to respond to these discovery
7 requests, Plaintiff Miriam Zamora reserves the right to amend or supplement these
8 responses and objections herein if necessary, at a later date, and to use subsequently
9 discovered facts and facts known but whose relevance, significance, or applicability
10 has not yet been ascertained.

11 1. The responses and objections below are based upon information known
12 or believed to be true by Plaintiff at the time of responding. Plaintiff and her attorneys
13 have not completed their discovery, investigation, or preparation for trial, nor have
14 they concluded their analysis of information gathered to date. Future discovery and
15 independent investigation may supply additional facts or information, add meaning to
16 known facts, and may establish entirely new factual conclusions or contentions. Thus,
17 Plaintiff and her attorneys reserve the right to supplement and/or amend these
18 responses pursuant to the Federal Rules of Civil Procedure and applicable law.

19 2. Plaintiff’s responses are made without in any way waiving or intending
20 to waive, and instead Plaintiff preserves and intends to preserve the following:

21 (a) The right to raise all questions of authenticity, relevancy, materiality,
22 privilege or admissibility with respect to the information provided and the documents
23 identified and/or produced in response to these Special Interrogatories, which may
24 arise in any subsequent proceeding, including the trial of this or any other action;

25 (b) The right to object to the use of the information and/or documents in any
26 subsequent proceeding, including the trial of this or any other action;

27 (c) The right to make subsequent responses if Plaintiff and/or her attorneys
28 uncover additional information and/or documents called for by these Special

1 Interrogatories, as Plaintiff's investigation of the facts and the evidence pertinent to
2 this action is continuing.

3 3. Words and terms used in the below responses shall be construed in
4 accordance with their normal meanings and connotations, and shall in no way be
5 interpreted as terms of art or statutorily defined terms, and Plaintiff specifically
6 disavows any such meaning or connotation that might be accorded to such terms
7 unless specifically stated otherwise.

8 4. Nothing in these responses is an admission by Plaintiff of the relevance,
9 or admissibility of any information, for any purpose.

10 **GENERAL OBJECTIONS**

11 The following general objections are made to each and every request and are
12 deemed to be incorporated into the specific objections and responses provided to each
13 request.

14 1. Plaintiff bases these objections and responses on the assumption that
15 Defendant, in propounding these interrogatories, did not intend to seek information
16 protected against discovery by the attorney-client privilege, the work-product
17 doctrine, or documents that contain or reflect the impressions, conclusion, opinion,
18 legal research or theories of Plaintiff's attorneys or their agents. To the extent that
19 Defendant's interrogatories, or any part thereof, are intended to elicit such
20 information, Plaintiff objects thereto and asserts the privileges provided in and by the
21 foregoing doctrines to the fullest extent permitted by law. Nothing contained in these

22 responses should be considered a waiver of any attorney-client privilege, work-
23 product protection, or any other applicable privilege or doctrine. Plaintiff does not
24 intend to produce documents that would divulge any privileged information. Any
25 such disclosure is inadvertent and shall not be deemed a waiver of any applicable
26 privilege or immunity.

27 2. Plaintiff objects to these interrogatories to the extent that they seek
28 information protected from disclosure by the right to privacy, or any other applicable

1 privilege. To the extent that Defendant's interrogatories, or any part thereof, are
2 intended to elicit such information, Plaintiff objects thereto and asserts the privileges
3 provided in and by the foregoing doctrines to the fullest extent permitted by law.

4 3. Plaintiff objects to each interrogatory to the extent that it purports to
5 impose discovery obligations exceeding those provided for in the Federal Rules of
6 Civil Procedure or the Local Rules for the United States District Court for the Central
7 District of California, orders entered in this case, or agreements among the parties.

8 4. Plaintiff objects to the "Definitions" and "Instructions and Applicable
9 Rules" to the extent that they seek to impose requirements or obligations in addition to
10 or different from those imposed by the Federal Rules of Civil Procedure or the Local
11 Rules for the United States District Court for the Central District of California, orders
12 in this case, or agreements among the parties. Plaintiff further objects to the
13 "Definitions" and "Instructions and Applicable Rules" to the extent they purport to
14 alter the plain meaning and/or scope of any specific request, on the ground that such
15 alteration renders the interrogatory vague, ambiguous, unduly broad, and/or uncertain,
16 by failing to adequately define terms or by using terms the meaning of which are not
17 readily available or decipherable. Plaintiff will not undertake, assume, or comply with
18 the "Definitions" and "Instructions and Applicable Rules" to the extent they exceed
19 the Federal Rules of Civil Procedure or the Local Rules for the United States District
20 Court for the Central District of California. Plaintiff's responses shall not be
21 construed as an admission, agreement, or acquiescence in any Definition or

22 Instruction.

23 5. Plaintiff objects to each interrogatory to the extent that it is cumulative or
24 duplicative.

25 6. Plaintiff is responding to each interrogatory as she interprets and
26 understands each interrogatory with respect to the issues in this action. If the City
27 asserts a different interpretation of any interrogatory, Plaintiff reserves the right to
28 supplement or amend its responses and/or objections.

1 7. Plaintiff objects to each request to the extent that it is overly broad,
2 unduly burdensome, and/or calls for the production of documents or things that are
3 neither relevant to any claim or defense in this action nor reasonably likely to lead to
4 the discovery of admissible evidence.

5 8. Plaintiff objects to each request to the extent that it calls for information
6 and/or production of documents and/or things that are not within Plaintiff's
7 possession, custody, or control, or calls for Plaintiff to prepare documents and/or
8 things that do not already exist.

9 9. Plaintiff objects to each interrogatory to the extent that it calls for the
10 production of documents and things that are publicly available or equally available to
11 the City, and therefore are of no greater burden for the City to obtain than for Plaintiff
12 to obtain.

13 10. Plaintiff objects to each request to the extent that it is vague, ambiguous,
14 or confusing due to City's failure to define terms or failure to describe the information
15 sought with reasonable particularity.

16 11. Plaintiff objects to any factual characterizations in City's interrogatories.
17 By responding, Plaintiff does not accept or admit any of City's factual
18 characterizations.

19 12. Plaintiff's discovery and investigation in connection with this case are
20 ongoing. As a result, Plaintiff's responses concern information obtained and reviewed
21 to date, and the objections, limitations, and responses contained in these response are

22 subject to and without waiver of any right of Plaintiff to: (a) object to other discovery
23 requests directed to the subject matter of the requests and this response; (b) make
24 additional or supplementary objections to the Requests; and (c) revise, correct,
25 supplement, or clarify the contents of this Response, after considering information
26 obtained or review through further discovery and investigation.

27 13. No objections, limitation, or response, or lack thereof, made herein shall
28 be deemed an admission by Plaintiff that any definition provided by the City is either

factually correct or legally binding upon Plaintiff, or as a waiver of any of Plaintiff's objections, including but not limited to objections regarding discoverability of documents or other evidence. Plaintiff's enumeration of specific objections in response to each request is not, and should not be construed to be, a waiver of any objection not so specified.

14. By identifying or producing any information, in response to any interrogatory, Plaintiff does not stipulate, and expressly reserves all objections, to the authenticity, relevance, materiality, and admissibility of any such information.

15. If Plaintiff provides information in response to any interrogatory, Plaintiff reserves the right to provide additional information that may come to her attention or become available in the future or to use such information in any hearing or proceeding in this litigation or any other action.

16. Any response by Plaintiff that she will produce documents, responses, and/or materials should not be construed to mean that responsive documents in fact exist; only that, if such relevant, non-privileged, non-objectionable documents exist, are in Plaintiff's possession, custody, or control, and are located after a reasonable search of the location or locations where responsive documents are most likely to be located, they will be produced in a timely manner.

These general objections are incorporated into each of the responses set forth below:

RESPONSES TO SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NO. 1:

IDENTIFY by type, amount, and category all damages YOU seek for the claims alleged in YOUR COMPLAINT.

RESPONSE TO SPECIAL INTERROGATORY NO. 1:

Plaintiff incorporates her General Objections as though set forth fully herein. Plaintiff also objects to the extent this interrogatory is unduly burdensome given the amount of items taken and Plaintiff's unhoused status and thus inability to keep and

1 maintain contemporaneous records. Plaintiff also objects on the ground that the
2 information sought is equally or more readily available and/or known to City through
3 its own reports of items taken by the City, its witnesses, related agencies, and its
4 agents. Plaintiff has specifically sought discovery from Defendant from which to
5 glean responsive information; however, to date, Defendant has refused to provide such
6 discovery. Plaintiff objects that discovery is still ongoing and reserves the right to
7 supplement this response should relevant information be discovered at a later date.
8 See *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
9 (permitting delay in responses until designated discovery completed); *Lucero v.*
10 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

11 Subject to and without waiver of any of the foregoing objections, Plaintiff
12 responds as follows: Plaintiff estimates her property damages at over \$5,000. She is
13 also seeking emotional distress damages and damages for the violation of her
14 constitutional rights in the amount of \$15,000.

15 **SPECIAL INTERROGATORY NO. 2:**

16 State with particularity the method by which YOU quantified or calculated the
17 damages identified in response to Interrogatory No. 1.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

19 Plaintiff incorporates her General Objections as though set forth fully
20 herein. Plaintiff also objects to the extent this interrogatory is overly broad and
21 unduly burdensome given the amount of items taken and Plaintiff's unhoused status
22 and thus inability to keep and maintain contemporaneous records.

23 Plaintiff objects that discovery is still ongoing and reserves the right to
24 supplement this response should relevant information be discovered at a later date. See
25 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
26 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
27 F.R.D. 591, 594 (D. N.M. 2007).

1 Plaintiff has not completed quantifying or calculating all money damages
2 associated with her case. Subject to and without waiving the foregoing objections,
3 Plaintiff responds as follows: She does not now recall the precise value of each item,
4 but she recalls that because she and Ms. Zepeda had recently been evicted, they had
5 most of their household belongings with them during the March 21, 2019 cleanup
6 such as clothing, technology, hygiene products, cleaning products, cash, and important
7 documents. She believes \$45 in cash was thrown out. One Samsung phone, two
8 iPhones, and a Samsung tablet belonging to Plaintiff and Ms. Zepeda were thrown
9 out, along with other technology. Those technology items alone were likely worth
10 well over a thousand dollars. The City threw out more belongings on June 11, 2019.
11 Altogether Plaintiff estimates the total value of belongings taken at around \$5000. She
12 is also seeking damages for the violation of her constitutional rights and emotional
13 distress.

14 **SPECIAL INTERROGATORY NO. 3:**

15 IDENTIFY all facts supporting any damages that YOU contend YOU have
16 suffered as a result of the conduct alleged in YOUR COMPLAINT.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

18 Plaintiff incorporates her General Objections as though set forth fully herein.
19 Plaintiff specifically objects that “state all facts” interrogatories of this kind are unduly
20 burdensome, harassing, overly broad, and an improper use of the discovery
21 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
22 1998) (providing “every fact” could require “laborious, time consuming analysis,
23 search and description of incidental, secondary, and perhaps irrelevant and trivial
24 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
25 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).
26 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
27 compound. Plaintiff further objects on the ground that this interrogatory calls for a
28 legal conclusion and on the ground that the information requested is in the possession

1 of the Defendants. Additionally, Plaintiff objects that this interrogatory calls for
2 attorney work product and attorney client communications.

3 Plaintiff also objects that discovery is still ongoing and reserves the right to
4 supplement this response should relevant information be discovered at a later date. *See*
5 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
6 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
7 F.R.D. 591, 594 (D. N.M. 2007).

8 **SPECIAL INTERROGATORY NO. 4:**

9 Do YOU claim to have experienced emotional distress as a result of the CITY
10 allegedly taking and destroying YOUR property on or about March 21, 2019,
11 March 28, 2019 and/or June 11, 2019 as alleged in YOUR COMPLAINT?

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

13 Yes.

14 **SPECIAL INTERROGATORY NO. 5:**

15 If your answer to Interrogatory No. 4 was yes, explain with specificity the
16 nature of the emotional distress.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

18 Plaintiff incorporates her General Objections as though set forth fully herein.
19 Plaintiff specifically objects that “state all facts” interrogatories of this kind are unduly
20 burdensome, harassing, overly broad, and an improper use of the discovery
21 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.

22 1998) (providing “every fact” could require laborious, time consuming analysis,
23 search and description of incidental, secondary, and perhaps irrelevant and trivial
24 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
25 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).

26 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
27 compound. Plaintiff further objects on the ground that this interrogatory calls for a
28 legal conclusion and on the ground that the information requested is in the possession

1 of the Defendants. Plaintiff objects that discovery is still ongoing and reserves the
2 right to supplement this response should relevant information be discovered at a later
3 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
4 (permitting delay in responses until designated discovery completed); *Lucero v.*
5 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

6 Subject to and without waiving any of the foregoing objections, Plaintiff
7 responds as follows: Plaintiff describes the feeling of losing her property as horrible.
8 She would often cry because she lost so much after the City took her belongings and
9 felt as though she had nothing left. She also often felt upset and embarrassed because
10 City employees would taunt and make fun of Plaintiff and Ms. Zepeda for being
11 homeless while they were throwing away her belongings. Plaintiff felt constantly
12 anxious about when the City would come back and the possibility of losing her
13 belongings again, and felt unable to leave her property unguarded.

14 **SPECIAL INTERROGATORY NO. 6:**

15 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
16 has knowledge of any fact pertaining to the emotional distress.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

18 Plaintiff incorporates her General Objections as though set forth fully herein.
19 Plaintiff specifically objects to the extent the interrogatory seeks information covered
20 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
21 extent this interrogatory is overly broad and unduly burdensome given the amount of
22 items taken and Plaintiff's unhoused status and consistent seizure of and destruction
23 of her belongings by the Defendant, which limits her ability to keep and maintain
24 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
25 unduly burdensome and vague and ambiguous in asking for all persons with
26 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
27 information not proportional to the needs of the case. Plaintiff objects based on the
28 right to privacy, including the privacy of third parties. Plaintiff objects that discovery

1 is still ongoing and reserves the right to supplement this response should relevant
2 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
3 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
4 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff
5 further objects to the extent that facts and City employees present at the scene are
6 publicly available or more readily available to the City of Los Angeles.

7 Subject to and without waiving the foregoing objections, Plaintiff directs the
8 City to those persons listed in her initial disclosures. Plaintiff continues to reserve the
9 right to supplement these responses at a later date, as discovery is ongoing.

10 **SPECIAL INTERROGATORY NO. 7:**

11 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
12 can compare your emotional condition prior to and following the incidents of
13 March 21, 2019, March 28, 2019 and/or June 11, 2019 as alleged in YOUR
14 COMPLAINT.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

16 Plaintiff incorporates her General Objections as though set forth fully herein.
17 Plaintiff specifically objects to the extent the interrogatory seeks information covered
18 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
19 extent this interrogatory is overly broad and unduly burdensome given the amount of
20 items taken and Plaintiff's unhoused status and thus inability to keep and maintain
21 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and

22 unduly burdensome and vague and ambiguous in asking for all persons with
23 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
24 information not proportional to the needs of the case. Plaintiff objects based on the
25 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
26 is still ongoing and reserves the right to supplement this response should relevant
27 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
28 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated

discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff further objects to the extent that facts and City employees present at the scene are publicly available or more readily available to the City of Los Angeles.

Subject to and without waiving the foregoing objections, Plaintiff directs the City to those persons listed in her initial disclosures. Plaintiff reserves the right to supplement these responses at a later date, as discovery is ongoing.

SPECIAL INTERROGATORY NO. 8:

IDENTIFY each piece of property YOU claim the CITY destroyed for which YOU are seeking damages and the exact monetary value of each item.

RESPONSE TO SPECIAL INTERROGATORY NO. 8:

Plaintiff incorporates her General Objections as though set forth fully herein. Plaintiff also objects on the ground that the information sought is equally available and/or known to City through its own reports of items taken by the City, its witnesses, and its agents, and through Plaintiff's filed government tort claims. Plaintiff further specifically objects that the interrogatory is ambiguous as to the term "damages" and whether the term refers solely to monetary relief. Plaintiff also objects to the extent this interrogatory is overly broad and unduly burdensome given the amount of items taken and Plaintiff's unhoused state and her inability to keep and maintain contemporaneous records while having her belongings repeatedly taken.

Plaintiff objects that discovery is still ongoing and reserves the right to supplement this response should relevant information be discovered at a later date. See

Braun Med., Inc. v. Abbot Labs., 155 F.R.D. 523, 527 (E.D. Pa. 1994) (permitting delay in responses until designated discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

Subject to and without waiver of any of the foregoing objections, Plaintiff responds as follows: The City failed to provide Plaintiff with an inventory of the items destroyed, but as far as Plaintiff recalls, they were as follows: On March 21, 2019, the City of Los Angeles took and destroyed Plaintiff's social security card, ID, birth

1 certificate, children's birth certificates, hygiene products, clothing, tarps, tent,
2 blankets, sleeping bags, wooden chest, and technology including multiple phones and
3 a Samsung tablet. On June 11, 2019, the City of Los Angeles took and destroyed
4 Plaintiff's clothing, bedding, tarps, tent, hygiene products, bike parts, tools, storage
5 items, small table, fan, and cleaning supplies. She does not now recall the precise
6 value of each item.

7 **SPECIAL INTERROGATORY NO. 9:**

8 IDENTIFY the items in the wooden chest described in paragraph 159 of YOUR
9 COMPLAINT that YOU allege were discarded by the CITY, if any.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

11 Plaintiff incorporates her General Objections as though set forth fully herein.
12 Plaintiff also objects on the ground that the information sought is equally available
13 and/or known to City through its own reports of items taken by the City, its witnesses,
14 and its agents, and through Plaintiff's filed government tort claims. Plaintiff further
15 specifically objects that the interrogatory is ambiguous as to the term "damages" and
16 whether the term refers solely to monetary relief. Plaintiff also objects to the extent
17 this interrogatory is overly broad and unduly burdensome given the amount of items
18 taken and Plaintiff's unhoused state and her inability to keep and maintain
19 contemporaneous records while having her belongings repeatedly taken.

20 Plaintiff objects that discovery is still ongoing and reserves the right to
21 supplement this response should relevant information be discovered at a later date. See
22 *Braun Med., Inc. v. Abbot Labs.*, 155 F.R.D. 523, 527 (E.D. Pa. 1994) (permitting
23 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
24 F.R.D. 591, 594 (D. N.M. 2007).

25 Subject to and without waiver of any of the foregoing objections, Plaintiff
26 responds as follows: The City failed to provide Plaintiff with an inventory of the items
27 destroyed, but as far as Plaintiff recalls, they were as follows: the City of Los Angeles
28

1 took and destroyed Plaintiff's social security card, ID, birth certificate, children's birth
2 certificates, cash, technology, and clothing.

3 **SPECIAL INTERROGATORY NO. 10:**

4 IDENTIFY all PERSONS with knowledge of the facts stated in YOUR
5 response to Interrogatory No. 9.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

7 Plaintiff directs the City to those persons listed in her initial disclosures.
8 Plaintiff reserves the right to supplement these responses at a later date, as discovery
9 is ongoing.

10 Dated: November 13, 2020

Respectfully submitted,
LEGAL AID FOUNDATION OF LOS ANGELES

11
12 /s/ Mallory B. Andrews _____

13 Mallory B. Andrews

14 *Attorneys for Plaintiffs Gladys Zepeda, Miriam*
15 *Zamora, Ali El-Bey, Pete Diocson Jr., Marquis*
16 *Ashley, James Haugabrook, and Ktown for All*

PROOF OF SERVICE

I, La Tonya Fountain, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On November 13, 2020, I served the following document(s) described as:

PLAINTIFF MIRIAM ZAMORA'S OBJECTIONS AND RESPONSES TO DEFENDANT CITY OF LOS ANGELES' SPECIAL INTERROGATORIES (SET ONE); VERIFICATION.

on the interested parties in this action as follows:

☒ **E-MAIL**

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the e-mail transmission is returned as undeliverable.

FELIX LEBRON,
felix.lebron@lacity.org,
A. PATRICIA URSEA,
patricia.ursea@lacity.org,
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Attorneys for Defendant, CITY OF LOS ANGELES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2020, at Los Angeles, California.



La Tonya D. Fountain

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Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, *et al.*

Plaintiffs,

v.

CITY OF LOS ANGELES, a
municipal entity,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF JANE ZEPEDA'S
OBJECTIONS AND RESPONSES
TO DEFENDANT CITY OF LOS
ANGELES' SPECIAL
INTERROGATORIES (SET ONE)**

Complaint Filed Date: July 18, 2019

PROPOUNDING PARTY: Defendant City of Los Angeles

RESPONDING PARTY: Plaintiff Jane Zepeda

SET: One

1 Catherine Sweetser (SBN 271142)
2 Kristina Harootun (SBN 308718)
3 John Washington (SBN 315991)
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27 *Attorneys for Plaintiffs Ktown for All, Janet Garcia,*
28 *Peter Diocson Jr., Marquis Ashley, Ali El-Bey, and*
Association for Responsible and Equitable Public
Spending

Case 2:16-cv-00185-DSE-BLV Document 155-2 Filed 04/01/17 Page 14 of 32 Page ID
#1042

Jane Zepeda (“Zepeda”), through her undersigned counsel, hereby provides her objections and responses to City of Los Angeles’ (the “City”) Special Interrogatories to Plaintiff Zepeda (Set One), served on September 28, 2020, as follows:

PRELIMINARY STATEMENT

Despite having undertaken a diligent effort to respond to these discovery requests, Plaintiff Jane Zepeda reserves the right to amend or supplement these responses and objections herein if necessary, at a later date, and to use subsequently discovered facts and facts known but whose relevance, significance, or applicability has not yet been ascertained.

1. The responses and objections below are based upon information known or believed to be true by Plaintiff at the time of responding. Plaintiff and her attorneys have not completed their discovery, investigation, or preparation for trial, nor have they concluded their analysis of information gathered to date. Future discovery and independent investigation may supply additional facts or information, add meaning to known facts, and may establish entirely new factual conclusions or contentions. Thus, Plaintiff and her attorneys reserve the right to supplement and/or amend these responses pursuant to the Federal Rules of Civil Procedure and applicable law.

2. Plaintiff’s responses are made without in any way waiving or intending to waive, and instead Plaintiff preserves and intends to preserve the following:

(a) The right to raise all questions of authenticity, relevancy, materiality, privilege or admissibility with respect to the information provided and the documents

identified and/or produced in response to these Special Interrogatories, which may arise in any subsequent proceeding, including the trial of this or any other action;

(b) The right to object to the use of the information and/or documents in any subsequent proceeding, including the trial of this or any other action;

(c) The right to make subsequent responses if Plaintiff and/or her attorneys uncover additional information and/or documents called for by these Special

1 Interrogatories, as Plaintiff's investigation of the facts and the evidence pertinent to
2 this action is continuing.

3 3. Words and terms used in the below responses shall be construed in
4 accordance with their normal meanings and connotations, and shall in no way be
5 interpreted as terms of art or statutorily defined terms, and Plaintiff specifically
6 disavows any such meaning or connotation that might be accorded to such terms
7 unless specifically stated otherwise.

8 4. Nothing in these responses is an admission by Plaintiff of the existence,
9 relevance, or admissibility of any information, for any purpose, or the truth or
10 accuracy of any statement or characterization contained in the response.

11 **GENERAL OBJECTIONS**

12 The following general objections are made to each and every request and are
13 deemed to be incorporated into the specific objections and responses provided to each
14 request.

15 1. Plaintiff bases these objections and responses on the assumption that
16 Defendant, in propounding these interrogatories, did not intend to seek information
17 protected against discovery by the attorney-client privilege, the work-product
18 doctrine, or documents that contain or reflect the impressions, conclusion, opinion,
19 legal research or theories of Plaintiff's attorneys or their agents. To the extent that
20 Defendant's interrogatories, or any part thereof, are intended to elicit such
21 information, Plaintiff objects thereto and asserts the privileges provided in and by the
22 foregoing doctrines to the fullest extent permitted by law. Nothing contained in these
23 responses should be considered a waiver of any attorney-client privilege, work-
24 product protection, or any other applicable privilege or doctrine. Plaintiff does not
25 intend to produce documents that would divulge any privileged information. Any
26 such disclosure is inadvertent and shall not be deemed a waiver of any applicable
27 privilege or immunity.

1 2. Plaintiff objects to these interrogatories to the extent that they seek
2 information protected from disclosure by the right to privacy, or any other applicable
3 privilege. To the extent that Defendant's interrogatories, or any part thereof, are
4 intended to elicit such information, Plaintiff objects thereto and asserts the privileges
5 provided in and by the foregoing doctrines to the fullest extent permitted by law.

6 3. Plaintiff objects to each interrogatory to the extent that it purports to
7 impose discovery obligations exceeding those provided for in the Federal Rules of
8 Civil Procedure or the Local Rules for the United States District Court for the Central
9 District of California, orders entered in this case, or agreements among the parties.

10 4. Plaintiff objects to the "Definitions" and "Instructions and Applicable
11 Rules" to the extent that they seek to impose requirements or obligations in addition to
12 or different from those imposed by the Federal Rules of Civil Procedure or the Local
13 Rules for the United States District Court for the Central District of California, orders
14 in this case, or agreements among the parties. Plaintiff further objects to the
15 "Definitions" and "Instructions and Applicable Rules" to the extent they purport to
16 alter the plain meaning and/or scope of any specific request, on the ground that such
17 alteration renders the interrogatory vague, ambiguous, unduly broad, and/or uncertain,
18 by failing to adequately define terms or by using terms the meaning of which are not
19 readily available or decipherable. Plaintiff will not undertake, assume, or comply with
20 the "Definitions" and "Instructions and Applicable Rules" to the extent they exceed
21 the Federal Rules of Civil Procedure or the Local Rules for the United States District

22 Court for the Central District of California. Plaintiff's responses shall not be
23 construed as an admission, agreement, or acquiescence in any Definition or
24 Instruction.

25 5. Plaintiff objects to each interrogatory to the extent that it is cumulative or
26 duplicative.

27 6. Plaintiff is responding to each interrogatory as she interprets and
28 understands each interrogatory with respect to the issues in this action. If the City

1 asserts a different interpretation of any interrogatory, Plaintiff reserves the right to
2 supplement or amend its responses and/or objections.

3 7. Plaintiff objects to each request to the extent that it is overly broad,
4 unduly burdensome, and/or calls for the production of documents or things that are
5 neither relevant to any claim or defense in this action nor reasonably likely to lead to
6 the discovery of admissible evidence.

7 8. Plaintiff objects to each request to the extent that it calls for information
8 and/or production of documents and/or things that are not within Plaintiff's
9 possession, custody, or control, or calls for Plaintiff to prepare documents and/or
10 things that do not already exist.

11 9. Plaintiff objects to each interrogatory to the extent that it calls for the
12 production of documents and things that are publicly available or equally available to
13 the City, and therefore are of no greater burden for the City to obtain than for Plaintiff
14 to obtain.

15 10. Plaintiff objects to each request to the extent that it is vague, ambiguous,
16 or confusing due to City's failure to define terms or failure to describe the information
17 sought with reasonable particularity.

18 11. Plaintiff objects to any factual characterizations in City's interrogatories.
19 By responding, Plaintiff does not accept or admit any of City's factual
20 characterizations.

21 12. Plaintiff's discovery and investigation in connection with this case are
22 ongoing. As a result, Plaintiff's responses concern information obtained and reviewed
23 to date, and the objections, limitations, and responses contained in these response are
24 subject to and without waiver of any right of Plaintiff to: (a) object to other discovery
25 requests directed to the subject matter of the requests and this response; (b) make
26 additional or supplementary objections to the Requests; and (c) revise, correct,
27 supplement, or clarify the contents of this Response, after considering information
28 obtained or review through further discovery and investigation.

1 13. No objections, limitation, or response, or lack thereof, made herein shall
2 be deemed an admission by Plaintiff that any definition provided by the City is either
3 factually correct or legally binding upon Plaintiff, or as a waiver of any of Plaintiff's
4 objections, including but not limited to objections regarding discoverability of
5 documents or other evidence. Plaintiff's enumeration of specific objections in
6 response to each request is not, and should not be construed to be, a waiver of any
7 objection not so specified.

8 14. By identifying or producing any information, in response to any
9 interrogatory, Plaintiff does not stipulate, and expressly reserves all objections, to the
10 authenticity, relevance, materiality, and admissibility of any such information.

11 15. If Plaintiff provides information in response to any interrogatory,
12 Plaintiff reserves the right to provide additional information that may come to her
13 attention or become available in the future or to use such information in any hearing
14 or proceeding in this litigation or any other action.

15 16. Any response by Plaintiff that she will produce documents, responses,
16 and/or materials should not be construed to mean that responsive documents in fact
17 exist; only that, if such relevant, non-privileged, non-objectionable documents exist,
18 are in Plaintiff's possession, custody, or control, and are located after a reasonable
19 search of the location or locations where responsive documents are most likely to be
20 located, they will be produced in a timely manner.

21 These general objections are incorporated into each of the responses set forth

22 below.

RESPONSES TO SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NO. 1:

25 IDENTIFY by type, amount, and category all damages YOU seek for the
26 claims alleged in YOUR COMPLAINT.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

2 Plaintiff incorporates her General Objections as though set forth fully herein.
3 Plaintiff also objects to the extent this interrogatory is unduly burdensome given the
4 amount of items taken and Plaintiff's unhoused status and thus inability to keep and
5 maintain contemporaneous records. Plaintiff also objects on the ground that the
6 information sought is equally or more readily available and/or known to City through
7 its own reports of items taken by the City, its witnesses, related agencies, and its
8 agents. Plaintiff has specifically sought discovery from Defendant from which to
9 glean responsive information; however, to date, Defendant has refused to provide such
10 discovery. Plaintiff objects that discovery is still ongoing and reserves the right to
11 supplement this response should relevant information be discovered at a later date. *See*
12 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
13 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
14 F.R.D. 591, 594 (D. N.M. 2007).

15 Subject to and without waiver of any of the foregoing objections, Plaintiff
16 responds as follows: Plaintiff estimates her property damages at over \$5,000. She is
17 also seeking emotional distress damages and damages for the violation of her
18 constitutional rights in the amount of \$15,000.

19 **SPECIAL INTERROGATORY NO. 2:**

20 State with particularity the method by which YOU quantified or calculated the
21 damages identified in response to Interrogatory No. 1.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

23 Plaintiff incorporates her General Objections as though set forth fully
24 herein. Plaintiff also objects to the extent this interrogatory is overly broad and
25 unduly burdensome given the amount of items taken and Plaintiff's unhoused status
26 and thus inability to keep and maintain contemporaneous records.

27 Plaintiff objects that discovery is still ongoing and reserves the right to
28 supplement this response should relevant information be discovered at a later date. *See*

1 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
2 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
3 F.R.D. 591, 594 (D. N.M. 2007).

4 Plaintiff has not completed quantifying or calculating all money damages
5 associated with her case. Subject to and without waiving the foregoing objections,
6 Plaintiff responds as follows: She does not now recall the precise value of each item,
7 but she recalls that because she and Ms. Zamora had recently been evicted, they had
8 most of their household belongings with them during the March 21, 2019 cleanup
9 such as clothing, technology, hygiene products, cleaning products, cash, and important
10 documents. She believes \$45 in cash was thrown out. One Samsung phone, two
11 iPhones, and a Samsung tablet belonging to Plaintiff and Ms. Zamora were thrown
12 out, along with other technology. Those technology items alone were likely worth
13 well over a thousand dollars. The City threw out more belongings on June 11, 2019.
14 Altogether Plaintiff estimates the total value of belongings taken at around \$5000. She
15 is also seeking damages for the violation of her constitutional rights and emotional
16 distress.

17 **SPECIAL INTERROGATORY NO. 3:**

18 IDENTIFY all facts supporting any damages that YOU contend YOU have
19 suffered as a result of the conduct alleged in YOUR COMPLAINT.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

21 Plaintiff incorporates her General Objections as though set forth fully herein.
22 Plaintiff specifically objects that state all facts interrogatories of this kind are unduly
23 burdensome, harassing, overly broad, and an improper use of the discovery
24 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
25 1998) (providing “every fact” could require “laborious, time consuming analysis,
26 search and description of incidental, secondary, and perhaps irrelevant and trivial
27 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
28 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).

1 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
2 compound. Plaintiff further objects on the ground that this interrogatory calls for a
3 legal conclusion and on the ground that the information requested is in the possession
4 of the Defendants. Additionally, Plaintiff objects that this interrogatory calls for
5 attorney work product and attorney client communications.

6 Plaintiff also objects that discovery is still ongoing and reserves the right to
7 supplement this response should relevant information be discovered at a later date. *See*
8 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
9 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
10 F.R.D. 591, 594 (D. N.M. 2007).

11 **SPECIAL INTERROGATORY NO. 4:**

12 Do YOU claim to have experienced emotional distress as a result of the CITY
13 allegedly taking and destroying YOUR property on or about March 21, 2019,
14 March 28, 2019 and/or June 11, 2019 as alleged in YOUR COMPLAINT?

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

16 Yes.

17 **SPECIAL INTERROGATORY NO. 5:**

18 If your answer to Interrogatory No. 4 was yes, explain with specificity the
19 nature of the emotional distress.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

21 Plaintiff incorporates her General Objections as though set forth fully herein.

22 Plaintiff specifically objects that state all facts interrogatories of this kind are unduly
23 burdensome, harassing, overly broad, and an improper use of the discovery
24 process. *See IBP, Inc. v. Mercantile Bank of Topeka*, 179 F.R.D. 316, 321 (D. Kan.
25 1998) (providing “every fact” could require “laborious, time consuming analysis,
26 search and description of incidental, secondary, and perhaps irrelevant and trivial
27 details.”). *See also Safeco of America v. Rawstron*, 181 F.R.D. 441, 447–48 (C.D.
28 Cal. 1998); *Roberts v. Heim*, 130 F.R.D. 424, 427–28 (N.D. Cal. 1989) (same).

1 Plaintiff further objects that this interrogatory is vague, ambiguous, overly broad and
2 compound. Plaintiff further objects on the ground that this interrogatory calls for a
3 legal conclusion and on the ground that the information requested is in the possession
4 of the Defendants. Plaintiff objects that discovery is still ongoing and reserves the
5 right to supplement this response should relevant information be discovered at a later
6 date. *See Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994)
7 (permitting delay in responses until designated discovery completed); *Lucero v.*
8 *Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007).

9 Subject to and without waiving any of the foregoing objections, Plaintiff
10 responds as follows: Having her property taken was a source of extreme stress. She
11 had just been evicted and lost almost everything she owned when the City took her
12 property. She didn't know where she would sleep because her tents and blankets were
13 taken and she didn't know what she would wear because most of her clothing was
14 taken. She was left hypervigilant, anxious, and in constant fear of losing her property,
15 unable to leave her property unguarded to find housing, work, or supplies because she
16 was afraid that the City would take everything again.

17 **SPECIAL INTERROGATORY NO. 6:**

18 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
19 has knowledge of any fact pertaining to the emotional distress.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

21 Plaintiff incorporates her General Objections as though set forth fully herein.
22 Plaintiff specifically objects to the extent the interrogatory seeks information covered
23 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
24 extent this interrogatory is overly broad and unduly burdensome given the amount of
25 items taken and Plaintiff's unhoused status and consistent seizure of and destruction
26 of her belongings by the Defendant, which limits her ability to keep and maintain
27 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
28 unduly burdensome and vague and ambiguous in asking for all persons with

1 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
2 information not proportional to the needs of the case. Plaintiff objects based on the
3 right to privacy, including the privacy of third parties. Plaintiff objects that discovery
4 is still ongoing and reserves the right to supplement this response should relevant
5 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
6 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
7 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff
8 further objects to the extent that facts and City employees present at the scene are
9 publicly available or more readily available to the City of Los Angeles.

10 Subject to and without waiving the foregoing objections, Plaintiff directs the
11 City to those persons listed in her initial disclosures. Plaintiff continues to reserve the
12 right to supplement these responses at a later date, as discovery is ongoing.

13 **SPECIAL INTERROGATORY NO. 7:**

14 If your answer to Interrogatory No. 4 was yes, IDENTIFY all PERSONS who
15 can compare your emotional condition prior to and following the incidents of
16 March 21, 2019, March 28, 2019 and/or June 11, 2019 as alleged in YOUR
17 COMPLAINT.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

19 Plaintiff incorporates her General Objections as though set forth fully herein.
20 Plaintiff specifically objects to the extent the interrogatory seeks information covered
21 by attorney work-product or the attorney-client privilege. Plaintiff also objects to the
22 extent this interrogatory is overly broad and unduly burdensome given the amount of
23 items taken and Plaintiff's unhoused status and thus inability to keep and maintain
24 contemporaneous records. Plaintiff objects that this interrogatory is overbroad and
25 unduly burdensome and vague and ambiguous in asking for all persons with
26 knowledge of any fact. Plaintiff further objects that this interrogatory asks for
27 information not proportional to the needs of the case. Plaintiff objects based on the
28 right to privacy, including the privacy of third parties. Plaintiff objects that discovery

1 is still ongoing and reserves the right to supplement this response should relevant
2 information be discovered at a later date. *See Braun Med., Inc. v. Abbott Labs.*, 155
3 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting delay in responses until designated
4 discovery completed); *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007). Plaintiff
5 further objects to the extent that facts and City employees present at the scene are
6 publicly available or more readily available to the City of Los Angeles.

7 Subject to and without waiving the foregoing objections, Plaintiff directs the
8 City to those persons listed in her initial disclosures. Plaintiff reserves the right to
9 supplement these responses at a later date, as discovery is ongoing.

10 **SPECIAL INTERROGATORY NO. 8:**

11 IDENTIFY each piece of property YOU claim the CITY destroyed for which
12 YOU are seeking damages and the exact monetary value of each item.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

14 Plaintiff incorporates her General Objections as though set forth fully herein.
15 Plaintiff also objects on the ground that the information sought is equally available
16 and/or known to City through its own reports of items taken by the City, its witnesses,
17 and its agents, and through Plaintiff's filed government tort claims. Plaintiff further
18 specifically objects that the interrogatory is ambiguous as to the term "damages" and
19 whether the term refers solely to monetary relief. Plaintiff also objects to the extent
20 this interrogatory is overly broad and unduly burdensome given the amount of items
21 taken and Plaintiff's unhoused state and her inability to keep and maintain

22 contemporaneous records while having her belongings repeatedly taken.

23 Plaintiff objects that discovery is still ongoing and reserves the right to
24 supplement this response should relevant information be discovered at a later date. See
25 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
26 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
27 F.R.D. 591, 594 (D. N.M. 2007).

1 Subject to and without waiver of any of the foregoing objections, Plaintiff
2 responds as follows: The City failed to provide Plaintiff with an inventory of the items
3 destroyed, but as far as Plaintiff recalls, they were as follows: On March 21, 2019, the
4 City of Los Angeles took and destroyed Plaintiff's social security card, ID, birth
5 certificate, hygiene products, clothing, tarps, tent, blankets, sleeping bags, wooden
6 chest, and technology. On June 11, 2019, the City of Los Angeles took and destroyed
7 Plaintiff's clothing, bedding, tarps, tent, hygiene products, bike parts, tools, storage
8 items, small table, fan, and cleaning supplies. She does not now recall the precise
9 value of each item.

10 **SPECIAL INTERROGATORY NO. 9:**

11 IDENTIFY the items in the wooden chest described in paragraph 159 of YOUR
12 COMPLAINT that YOU allege were discarded by the CITY, if any.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

14 Plaintiff incorporates her General Objections as though set forth fully herein.
15 Plaintiff also objects on the ground that the information sought is equally available
16 and/or known to City through its own reports of items taken by the City, its witnesses,
17 and its agents, and through Plaintiff's filed government tort claims. Plaintiff further
18 specifically objects that the interrogatory is ambiguous as to the term "damages" and
19 whether the term refers solely to monetary relief. Plaintiff also objects to the extent
20 this interrogatory is overly broad and unduly burdensome given the amount of items
21 taken and Plaintiff's unhoused state and her inability to keep and maintain

22 contemporaneous records while having her belongings repeatedly taken.

23 Plaintiff objects that discovery is still ongoing and reserves the right to
24 supplement this response should relevant information be discovered at a later date. See
25 *Braun Med., Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994) (permitting
26 delay in responses until designated discovery completed); *Lucero v. Valdez*, 240
27 F.R.D. 591, 594 (D. N.M. 2007).

1 Subject to and without waiver of any of the foregoing objections, Plaintiff
2 responds as follows: The City failed to provide Plaintiff with an inventory of the items
3 destroyed, but as far as Plaintiff recalls, they were as follows: the City of Los Angeles
4 took and destroyed Plaintiff's social security card, ID, birth certificate, cash,
5 technology, and clothing.

6 **SPECIAL INTERROGATORY NO. 10:**

7 IDENTIFY all PERSONS with knowledge of the facts stated in YOUR
8 response to Interrogatory No. 9.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

10 Plaintiff directs the City to those persons listed in her initial disclosures.
11 Plaintiff reserves the right to supplement these responses at a later date, as discovery
12 is ongoing.

13
14 Dated: November 13, 2020

Respectfully submitted,
LEGAL AID FOUNDATION OF LOS
ANGELES

15
16
17 /s/ Mallory B. Andrews

Mallory B. Andrews

18 *Attorneys for Plaintiffs Gladys Zepeda, Miriam*
19 *Zamora, Ali El-Bey, Pete Diocson Jr., Marquis*
20 *Ashley, James Haugabrook, and Ktown for All*

PROOF OF SERVICE

I, La Tonya Fountain, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is KIRKLAND & ELLIS LLP, 555 South Flower Street, Los Angeles, CA 90071.

On November 13, 2020, I served the following document(s) described as:

**PLAINTIFF JANE ZEPEDA'S OBJECTIONS AND RESPONSES TO
DEFENDANT CITY OF LOS ANGELES' SPECIAL INTERROGATORIES
(SET ONE); VERIFICATION.**

on the interested parties in this action as follows:

☒ **E-MAIL**

By transmitting via electronic mail to the e-mail address(es) set forth below on this date. I am aware that service is presumed invalid if the e-mail transmission is returned as undeliverable.

FELIX LEBRON,
felix.lebron@lacity.org,
A. PATRICIA URSEA,
patricia.ursea@lacity.org,
JESSICA MARIANI,
jessica.mariani@lacity.org
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012
Telephone: (213) 978-7559
Facsimile: (213) 978-7011

Attorneys for Defendant, CITY OF LOS ANGELES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2020, at Los Angeles, California.



La Tonya D. Fountain

EXHIBIT 6

Legal Aid Foundation of Los Angeles

South Los Angeles Office
7000 S. Broadway
Los Angeles, CA 90003

1-800-399-4529

www.lafla.org



Our File Number: 19-1311049

November 19, 2020

VIA EMAIL ONLY

Patricia Ursea
Gabriel Dermer
Felix Labron
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

**RE: *Garcia v. City of Los Angeles*, 2:19-CV-06182
Follow Up to November 16, 2020 Conference Call to Meet and Confer re: City's
Production of Responsive Discovery**

Dear Counsel,

Thank you for meeting with us on Monday, for what we hope will prove to be a productive conversation. We appreciate the City's willingness to now engage in a conversation about producing data and other documents responsive to the requests we provided to the City in October 2019. Below are our understandings of the City's current positions on a number of outstanding issues as well as our position relative to those issues. If this does not reflect the City's position, please let us know immediately. We look forward to hearing from you later today on these issues.

Form of Production

Plaintiffs continued to raise the issue of the form of the City's production. As noted on the call, we appreciate that the City has switched to producing the documents in TIFF format with the metadata intact. We appreciate the City's willingness to begin producing the documents in this form and providing us useful metadata, without the need for court intervention.

The City's latest production of documents in the requested form does not address our concerns about the lack of metadata in the City's initial productions of approximately 7400 documents, which we raised on the call. We requested the City do so now, with the same Bates numbers, since a number of the documents have been used in court filings, including the pending appeal of the Court's preliminary injunction. On the call, Mr. Dermer indicated he thought it was possible; thereafter, he responded that it was not.

Other Office Locations:

East Los Angeles Office, 5228 Whittier Blvd., Los Angeles, CA 90022
Long Beach Office, 601 Pacific Ave., Long Beach, CA 90802
Santa Monica Office, 1640 5th St., Suite 124, Santa Monica, CA 90401
Ron Olson Justice Center, 1550 W. 8th Street., Los Angeles, CA 90017

The City's response to this is unsatisfactory, given the importance of the documents included in these first productions. Plaintiffs explicitly requested the City produce the metadata in our Requests for Production, and we raised the issue of metadata and the form of production of documents during our Rule 26 conference. We did so to avoid this situation and in an attempt to prevent the parties from having to fight about these issues. The City chose instead to produce the documents in PDF form, which erased all of the metadata, including the date and time stamps for hundreds of photographs of the very specific incidents outlined in the complaint. Moreover, the City produced thousands of documents in only a handful of PDFs. As we have repeatedly pointed out, this is obviously not how the documents are kept in the normal course, and the PDFs provided no metadata about when the documents were created, who created the documents, or even when one document ends and the next document starts.

The City's prior attempt to address our concerns, an index of the documents, does not obviate the need to produce metadata, and the index provided on September 25 is woefully inadequate. In fact, we note that the index produced by the City is less detailed than the index you provided in your Rule 26 disclosures.

While we are entitled to receive the documents with the metadata intact, and it was the City's own intransigence on this issue that led to this point, we are willing to compromise. We request the City provide us with the photographs previously produced as part of its production in October as TIFF files or JPG files, with the metadata intact. We're willing to meet and confer about the form of the other City reports related to the cleanups outlined in the complaint, once we review the data and reports the City is willing to produce based on our call.

We also need confirmation that, going forward, the City intends to produce the documents in the form of the last productions--namely TIFF files with the metadata intact. Please confirm the City intends to produce all discovery in this format going forward, so we can avoid further laborious debates on this point.

Continued Deficiencies in the City's Amended Written Responses to Plaintiffs' Requests for Production

The parties discussed the City's written responses to Plaintiffs' RFPs, which have been amended, but the amendments did not address any of the infirmities raised by Plaintiffs. Plaintiffs again reiterated that the City's Amended and Restated Responses to Plaintiffs' Requests for Production are deficient under Rule 34, and as such, Plaintiffs are unable to discern what the City is withholding or limiting, much less the basis on which each piece of information is being withheld or limited. This applies to all of the RFPs to which the City has agreed to produce responsive documents, including RFPs 1, 3-29, and 43-49.

Although the City indicated that nothing has been withheld, Plaintiffs again explained that, based on their review of discovery to-date, certain documents have proven conspicuously absent from the record. For example, the City indicated it would produce organizational charts and job descriptions and has done so, but the City appears to have produced some charts and has not produced other charts, including for example, failing to produce the organizational chart the City has placed on its website, and producing the FY 2018-19 proposed Sanitation chart, but not the FY 20-21 chart. In addition, the City has produced operations and daily assignment logs for the cleanups conducted in South LA but not for the specific cleanups listed in the complaint. The City has also failed to produce any scheduling documents like HE/ID confirmations, route confirmations, etc., or the documentation of authorizations for the cleanups impacting the individual Plaintiffs. Plaintiffs have not received some police body camera footage from each of the cleanup incidents, including, for instance, the body camera footage of LAPD Officers Lucero, Argueta, Cottle and Kim from their June 4, 2019 encounter with individual plaintiff Ali El-Bey at the intersection of Oakwood and Western in Koreatown. The written responses provide no explanation for these deficiencies, and it is unclear whether the City is withholding documents based on the City's myriad objections, has not sufficiently searched for responsive documents, or if these documents do not exist.

In response, Ms. Ursea noted that the production of documents was ongoing. As we noted, the City has had Plaintiffs' first set of RFPs since October 2019. Moreover, the City has not provided us a date certain for the completion of even these incredibly basic documents, which is required by Federal Rule of Civil Procedure 34. Plaintiffs also noted again that we are in need of many of these documents to proceed with further discovery, and the failure to provide these basic documents along with the refusal to provide a date certain is causing unnecessary delays in this litigation. Plaintiffs emphasized the amount of time that has passed since its discovery requests were initially provided to the City. Appreciating this fact, the City indicated it will provide Plaintiffs with an update on Thursday, November 19 on a date certain by which the City will have completed its production of documents responsive to this first set of RFPs.

Responsive Raw Data

1. Documents and data related to encampment cleanups

The City is now discussing internally the feasibility of exporting and producing all responsive raw data, both quantitative and qualitative, from three databases in the City has identified that are used by LA Sanitation to store data related to cleanups: WPIMS, AMS, and MyLA (311 requests). The City indicated on the call that, after touching base with the respective City departments that serve as custodians of each database, the City will inform Plaintiffs by Thursday, November 19 whether such data will be made available.

We are glad the City is now considering simply providing us the data we requested, instead of requiring us to seek court intervention. There was some question on the phone whether the City uses other databases to store data from LA Sanitation or other departments related to the City's encampment cleanups. While these are the databases that we are aware of, we asked in discovery for data from all databases, and certainly the City is in a better position than Plaintiffs to identify what databases are used by the City and where that data exists. As we discussed, I asked this question to the employee ostensibly responsible for reports related to cleanups, and he similarly was unable to provide a complete answer. This seems relatively straightforward to us, and it is concerning that the answer appears not to be known within the City, given that Plaintiffs provided the City with these document requests in October 2019.

We expect the City on Thursday will be able to provide us an answer as to 1) what data it will export and provide to Plaintiffs; 2) whether it is withholding any data or whether there are any databases that contain data responsive to Plaintiffs' requests that it is not producing; and 3) the date certain by which the City will produce this data.

We also hope the City can clarify the extent to which Ms. Ursea's expressed willingness to now work on exporting reports, etc., rather than searching for specific documents extends to qualitative documentation related to cleanups, such as the health hazard assessment reports, and other documents like health hazard checklists and photographs of other cleanups, or if the City remains committed to its refusal to produce these documents for any cleanups other than those identified in the complaint.

2. Complaints about property seizure and destruction

RFPs 38-41 seek data related to other complaints against the City related to the seizure and destruction of property. These documents are relevant to Plaintiffs' claims that the City has customs, patterns, and practices that violate the US and state Constitutions and is also relevant to proving Plaintiffs' individual claims. The City appears to now be agreeing to search for responsive documents. Again, this is a welcome change, after the City's unwillingness to meet and confer, let alone search for responsive documents for the past four months.

With respect to the database called Citylaw, the responsive data in question relates to Government Tort Claims filed against the City. In addition, complaints or grievances filed against the City, including the LAPD, related to the seizure and/or destruction of homeless people's belongings (RFP Nos. 38-39). We understand the City's position that any responsive data intended to be produced from the Citylaw system would have to undergo privilege assessment, plus the City currently does not know how quickly or easily such responsive information could be retrieved from the Citylaw database anyway. Plaintiffs offered, if the City is willing to divulge Citylaw's searchable fields and search parameters, to work with the City to create and conduct a reasonable search or searches. The City indicated they will explore the features and functionality of Citylaw and report back regarding possible paths forward on Thursday, November 19.

The City also agreed to coordinate with the Los Angeles Police Department (LAPD) to pull all responsive police reports using relevant search terms (e.g., cleanup, homeless, transient, bulky items, etc.) from the LAPD's Automated Data System, which is responsive to RFPs 40 and 41. The City explained some information within the reports may be confidential, but it is willing to provide all responsive reports to Plaintiffs following internal review, with the understanding that Plaintiffs will then review the police reports and on a future date further meet and confer with the City about the production of associated police investigative files. The City indicated it will run some search terms within the LAPD's Automate Data System and follow up with Plaintiffs regarding the production of responsive police reports on Thursday, November 19. At that time, we request the City provide Plaintiffs the search terms used by the City to search for responsive documents.

Among the police reports responsive to Plaintiffs' Requests for Production are the Release from Custody (RFC) citations for violation of LAMC 56.11. As discussed during the call, the City's Response to Request for Production No. 40 indicates there are approximately 3,300 of these RFCs. The City indicated in those responses that the City was willing to meet and confer about whether it would be able to provide a spreadsheet of all of the RFCs. As indicated during the call, Plaintiffs obtained that spreadsheet of these from the City's open data source, so all that is outstanding is production of the RFCs themselves. We maintain that these RFCs, which are notices to appear and serve as complaints, should be accessible to the City Attorney's office in digital copy, as these are submitted to court in digital copy. Plaintiffs agreed to send the City the spreadsheet obtained for the City's convenience, and the City indicated they will contact the criminal division of the City Attorney's office for access to these documents. Plaintiffs look forward to receiving an update on the production of responsive RFCs on Thursday, November 19.

3. Storage Data (Request for Production Nos. 43-49)

Plaintiffs reiterated our request for quantitative data related to storage, noting again that the City had quantitative summaries of data in its opposition to Plaintiffs' preliminary injunction, and had now produced some handwritten "chain of custody forms." Plaintiffs again requested the City produce the raw data that was used to create the spreadsheets used by the City in papers filed with the Court. The City indicated it was unaware of the source of the data used by the City in its opposition and would reach out to Chrysalis, the likely custodian of this data. The City indicated it would be willing to track down and gather the location of all such responsive qualitative and quantitative data for production to Plaintiffs. We look forward to the City's update on production of this data on Thursday, November 19.

Also, we did not note this on the call, but the City's production of the storage receipts is incomplete. The City appears to have provided storage receipts for January-March 2018 and April 2019 to the present. We assume, based on the form of the production, that it was straightforward to produce these documents, and we expect the City will produce the remainder of 2018 and the first three months of 2019.

Responsive Communications

With respect to responsive discovery related to communications, the City has agreed that it will provide responsive communications, and Plaintiffs agreed to provide the City with a list of custodians and search terms for review, in order to identify responsive communications. The parties agreed to meet and confer about the search terms should the City dispute the list, and once the list is finalized the City agreed to run the search terms, evaluate the number of hits, and further meet and confer about the production with Plaintiffs. Plaintiffs agreed to provide the City with this list of custodians and search terms Plaintiffs indicated that this list of custodians will likely be supplemented on a future date given the City's currently anticipated additional document productions, and the City indicated it understood this. We assume this means the City will search for additional responsive documents when those custodians are identified, but we would appreciate a confirmation on this point.

Conclusion

We look forward to conferring again once the City receives the additional information it needs to address these outstanding issues. As mentioned on our call, there are a number of other outstanding issues related to production. We agreed to defer the discussion of those issues until the City has further information about its ability to provide us data responsive to our requests. It is obviously our hope the City's production will address these issues.

Finally, while we appreciate the City's willingness to now cooperate with Plaintiffs and look into producing additional documents, as we noted on the call, the City has had the RFPs since October 2019 and has objected based on burden since then. We have repeatedly attempted to meet and confer on these issues and find compromises. The City's willingness to now investigate and see how feasible it is to produce responsive documents, at the eleventh hour after Plaintiffs have indicated our intention to move to compel, leads to concerns that this change in approach is little more than an attempt to further delay this litigation. The fact that the City remains unable to answer straightforward questions about the availability of data, after spending months objecting to burden and overbreadth, further undermines the City's credibility on these issues.

We have expressed since the beginning of this case that it is the parties' best interest to meet and confer to address these issues, without involving the court. But this further delay must yield further responsive discovery or we will need to seek court intervention, and we will raise these continued efforts to delay with the Court.

We look forward to hearing from you today.

Sincerely,

/s

Shayla Myers
Pui-Yee Yu

EXHIBIT 7



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Thu, Nov 19, 2020 at 5:07 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshh@gmail.com>

Counsel,

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

MyLA 311 Database: With the two exceptions noted below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. This will include data from all fields except for the contact information of the requestor, to protect confidentiality. Photographs associated with these cleanups are housed separately and there is no automated method for exporting them. As we have explained, the number of photographs associated with cleanups vary dramatically and could include as many as 700 photographs. Each photograph for each cleanup would need to be downloaded manually. If after seeing the data, Plaintiffs wish to request photographs for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

AMS database: We are waiting to hear back on what data is stored in AMS that is not also stored in MyLA. We understand there is significant overlap. To the extent there is data in AMS that is not stored in MyLA, that data will be produced. The anticipated date of completion is December 18, 2020.

RFCs: RFCs are not stored electronically by the LAPD. They are stored in paper format and organized by month and year, not by the nature of the violation. The Criminal Branch has only one record of an RFC that was filed electronically; the remainder were filed in paper form and are not stored electronically. We are still exploring whether there is any feasible and reasonable way to satisfy Plaintiffs' request and will get back to you once we have exhausted any remaining possibilities.

Complaints to LAPD: The City will export the intake summaries (i.e., the complaints) that relate to seizure or destruction of unhoused person's belongings into a spreadsheet and produce it. The spreadsheet will only include investigations that have been closed as ongoing investigations are privileged. The anticipated date of completion is December 18, 2020.

Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unhoused persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

Patricia Ursea
Deputy City Attorney, City of Los Angeles
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City Hall East
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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
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EXHIBIT 8



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

1 message

Shayla R. Myers <SMyers@lafla.org>

Tue, Nov 24, 2020 at 4:43 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshhh@gmail.com>

Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, November 19, 2020 5:07 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles

Counsel

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

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with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

Patricia Ursea
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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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2 attachments



Garcia_Letter from LAFLA to CLA re email discovery.pdf
159K



Garcia v. City of Los Angeles_search terms and custodians.pdf
162K

City of Los Angeles Mail - Re: Garcia v. City of Los Angeles

<https://mail.google.com/mail/u/1?ik=3163683f80&view=pt&search=all&permthid=thread-f%3A1683814695514707396%7Cmsg-f%3A16842909296427...> 4/4



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VIA EMAIL

November 24, 2020

Gabriel Dermer
Patricia Ursea
Felix Lebron
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

RE: *Garcia v. City of Los Angeles*; Case No. 2:19-cv-06182

Dear Counsel,

We are following up from our latest discussion regarding the City's production of documents responsive to Plaintiffs' Requests for Production of Documents, Set One. Per our discussion, attached please find an initial proposed list of custodians and search terms to identify emails responsive to our requests. We have attempted to tailor our requests to respond to our understanding of the City's representations about the way in which the ITA runs searches of emails and to identify documents responsive to our requests. Rather than providing a single list of custodians and a single list of terms, we provided categories of employees and search strings for each of the categories of custodians, which we think is more appropriate, given the different departments involved in these cleanups.

In addition, we attempted to identify all custodians by name; however, we are unaware of the names of names of city council staff responsible for addressing specific encampments. We have also attempted to identify search terms that will capture documents responsive to our requests. Those terms are based on our understanding of the ways in which city employees discuss various issues; if you are aware of terms that not do correspond the way relevant departments discuss specific issues, such that the terms will not hit on documents responsive to our requests, or if we have failed to include abbreviations, phrases, etc., in our list that you are aware would identify responsive documents, we expect that the City will notify us of those terms, abbreviations, phrases, etc.

Finally, if you think it would be beneficial to discuss these terms or custodians, we request you provide us with hit counts for any terms you want to discuss, so this can guide our discussion.

Please let us know if you have any questions and when you anticipate receiving a response re: the responsive terms.

Sincerely,

A handwritten signature in dark ink, appearing to read "S. Myers".

Shayla Myers

***Garcia v. City of Los Angeles*, Case No. 2:19-cv-06182**

Plaintiffs’ Proposed Custodians and Search Terms

<u>LA SANITATION</u>	
ECI Staff Howard Wong Pawan Verma Gonzalo Barraga Jonelle Gardea	56.11 “rapid response” CARE HOPE (“immediate threat” or hazard) bulky (“the BIN” or “507 Towne” or Chrysalis or storage) HE/ID “posting survey”
Steven Pederson	56.11 “rapid response” CARE HOPE (((“immediate threat” or hazard) w/30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process*)) (“bulky item” w/30 (cleanup or “clean up” or “service day” or sweep or sanitation or homeless or unhoused or encampment or process*)) (“the BIN” or “507 Towne” or Chrysalis or storage)
LA SAN leadership Domingo Orosco Gabriel Miranda Jose Garcia	56.11 CARE HOPE “rapid response” (“the Bin” or “507 town” or “involuntary storage” or Chrysalis)
Community Services Group Renee Schackelford Bladimir Campos Sarah Bell Diana Gonzales	(Lomita or McCoy) (Aetna or Cedros or Bessemer) (Ardmore or Kingsley or Hobart or Harvard or 4 th or 5 th or 6 th or 7 th or 8 th or Wilshire Figueroa or 52 or Grand or Flower or 110)
<u>COUNCIL STAFF</u>	
Council District 15	(Lomita or Mccoy) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or

	<p>sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 9	<p>((Grand or Figueroa or 110 or 52nd or Flower) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 6	<p>(or Tyrone or Cedros or Bessemer w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p> <p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>HOPE</p>
Council District 10	<p>((Ardmore or Kingsley or Hobart or Harvard or 4th or 5th or 6th or 7th or Wilshire) w/30 (posting or authorization or cleanup or “clean up” or “service day” or sweep or schedule or sanitation or “LA San” or LASAN or sanitation or homeless or unhoused or encampment or “bulky item”))</p>
<u>UHRC</u>	
<p>Brian Buchner</p> <p>Jamie Keene</p>	<p>56.11</p> <p>CARE</p> <p>“rapid response”</p> <p>(“comprehensive cleanup”)</p> <p>HOPE</p> <p>(“trash bags” or “trash can*” or toilet or portapotty or porta-potty or “Pit Stop” Mobile hygiene unit or MHU)</p> <p>(“the BIN” or “507 Towne” or storage” or Chrysalis)</p>

<u>City Attorney</u>	
Gita O'Neill	56.11
<u>LAPD</u>	
HOPE Sgts	56.11
Frank Lopez	Lomita or McCoy 56.11
Command Staff	56.11
Dominic Choi	HOPE
Donald Graham	"rapid response"
Emada Tingirides	CARE
City Witnesses	
City witnesses identified in the Rule 26 (other than those included above)	56.11 notice ("immediate threat" or hazard) ("the BIN" or storage or Chrysalis)

EXHIBIT 9



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Tue, Dec 1, 2020 at 12:46 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshhh@gmail.com>

Thank you, Counsel. The City agrees to stipulate to the proposed extension of trial dates. We will ask the appropriate IT departments to run the search terms you propose and will get back to you on the issues you raise in the corresponding letter as soon as we receive the results.

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On a final discovery-related note, the City is still awaiting amended responses and further document production from Plaintiffs in response to discovery the City served in August and about which the parties met and conferred on September 30, 2020. For example, we have still not received any responses to the 11 interrogatories the City served on Mr. El- Bey on August 14, 2020. If necessary, we can describe the outstanding discovery responses in separate correspondence. But in the hopes of streamlining the parties' discovery-related efforts, we hope this serves as a sufficient reminder and refer Plaintiffs to our letter dated September 16, 2020, which details the deficiencies in Plaintiffs' initial objections and/or responses.

Thank you.

Patricia

Patricia Ursea
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Los Angeles, California 90012
Patricia.Ursea@lacity.org
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On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, November 19, 2020 5:07 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles

Counsel,

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primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

MyLA 311 Database: With the two exceptions noted below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. This will include data from all fields except for the contact information of the requestor, to protect confidentiality. Photographs associated with these cleanups are housed separately and there is no automated method for exporting them. As we have explained, the number of photographs associated with cleanups vary dramatically and could include as many as 700 photographs. Each photograph for each cleanup would need to be downloaded manually. If after seeing the data, Plaintiffs wish to request photographs for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

AMS database: We are waiting to hear back on what data is stored in AMS that is not also stored in MyLA. We understand there is significant overlap. To the extent there is data in AMS that is not stored in MyLA, that data will be produced. The anticipated date of completion is December 18, 2020.

RFCs: RFCs are not stored electronically by the LAPD. They are stored in paper format and organized by month and year, not by the nature of the violation. The Criminal Branch has only one record of an RFC that was filed electronically; the remainder were filed in paper form and are not stored electronically. We are still exploring whether there is any feasible and reasonable way to satisfy Plaintiffs' request and will get back to you once we have exhausted any remaining possibilities.

Complaints to LAPD: The City will export the intake summaries (i.e., the complaints) that relate to seizure or destruction of unhoused person's belongings into a spreadsheet and produce it. The spreadsheet will only include investigations that have been closed as ongoing investigations are privileged. The anticipated date of completion is December 18, 2020.

Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unhoused persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

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Counsel,

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Thanks,

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EXHIBIT 10



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Fri, Dec 4, 2020 at 3:52 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshh@gmail.com>, Justin Grams <justin.grams@lacity.org>

Counsel:

Following up on the email search terms, the system is apparently not capable of running case-sensitive searches, which makes the terms "CARE" and "HOPE" extremely overbroad. Based on how these terms are typically used in the relevant context, we propose the following search terms instead:

H.O.P.E.

"hope program"

"hope team"

"hope unit"

"hope initiative"

C.A.R.E.

"care program"

"care team"

"care unit"

"care plus"

"care+"

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

Patricia Ursea
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Subject: Re: Garcia v. City of Los Angeles

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EXHIBIT 11



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

1 message

Shayla R. Myers <SMyers@lafla.org>

Fri, Dec 4, 2020 at 5:01 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshhh@gmail.com>, Justin Grams <justin.grams@lacity.org>

Patricia,

We will review your proposed terms and get back to you shortly.

Did you run searches to determine how many emails the terms are hitting? We are amenable to qualifying the terms, especially HOPE, but we need a baseline or some sampling to evidence whether the terms are in fact overbroad or are generating false hits.

Thanks,

Shayla Myers | Senior Attorney
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"hope program"
"hope team"
"hope unit"
"hope initiative"

C.A.R.E.
"care program"
"care team"
"care unit"
"care plus"
"care+"

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

CHS 512-04-00785 DEC 14 11:59 AM 09/01/21 1:06 PM 12/14/21 1:06 PM

Patricia Ursea
Deputy City Attorney, City of Los Angeles
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We are continuing to work with the various departments to obtain the other data and information Plaintiffs requested and will produce those documents as soon as they are available. Regarding the January 1, 2018 start date for production, we understand that Plaintiffs agreed to limit their document requests to that date in prior meet-and-confer discussions. As we understand it, the data at issue is not as straightforward to export and prepare for production as Plaintiffs imagine and given that all of Plaintiffs' incidents occurred in 2019, and the requested data is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City believes beginning the production on January 1, 2018 is more than reasonable. On a related note, we learned that our colleague Felix Lebron will not be returning from leave this week as anticipated and will not be returning until sometime in the new year. As we discussed, Felix spearheaded the collection and production efforts for the City; we are doing our best to pick up where he left off and complete the productions as soon as possible.

On a final discovery-related note, the City is still awaiting amended responses and further document production from Plaintiffs in response to discovery the City served in August and about which the parties met and conferred on September 30, 2020. For example, we have still not received any responses to the 11 interrogatories the City served on Mr. El- Bey on August 14, 2020. If necessary, we can describe the outstanding discovery responses in separate correspondence. But in the hopes of streamlining the parties' discovery-related efforts, we hope this serves as a sufficient reminder and refer Plaintiffs to our letter dated September 16, 2020, which details the deficiencies in Plaintiffs' initial objections and/or responses.

Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation

City Hall East
200 N. Main Street, 6th Floor
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Patricia.Ursea@lacity.org
(213) 978-7569

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On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 19, 2020 5:07 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles

Counsel,

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

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WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

AMS database: We are waiting to hear back on what data is stored in AMS that is not also stored in MyLA. We understand there is significant overlap. To the extent there is data in AMS that is not stored in MyLA, that data will be produced. The anticipated date of completion is December 18, 2020.

RFCs: RFCs are not stored electronically by the LAPD. They are stored in paper format and organized by month and year, not by the nature of the violation. The Criminal Branch has only one record of an RFC that was filed electronically; the remainder were filed in paper form and are not stored electronically. We are still exploring whether there is any feasible and reasonable way to satisfy Plaintiffs' request and will get back to you once we have exhausted any remaining possibilities.

Complaints to LAPD: The City will export the intake summaries (i.e., the complaints) that relate to seizure or destruction of unhoused person's belongings into a spreadsheet and produce it. The spreadsheet will only include investigations that have been closed as ongoing investigations are privileged. The anticipated date of completion is December 18, 2020.

Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unhoused persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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4/3/2021

City of Los Angeles Mail - Re: Garcia v. City of Los Angeles

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CPK: 578-CA-00785-02L-147V DocuSign ID: 11088 135-0 1394 0600137 1496 138 14 372 1496 ID

EXHIBIT 12



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Mon, Dec 7, 2020 at 9:00 AM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshhh@gmail.com>, Justin Grams <justin.grams@lacity.org>

Thank you, Counsel. IT has not yet run the searches but as we believe it is highly likely that the word "hope" and possibly "care" will result in false hits, we wanted to be prepared with alternative search terms that we can give IT at the outset. IT can run the searches first without limitations and then with the limitations but we wanted to get the Plaintiffs' weigh-in on the alternative search terms to minimize the potential for delay.

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Deputy City Attorney, City of Los Angeles
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On Fri, Dec 4, 2020 at 5:01 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Patricia,

We will review your proposed terms and get back to you shortly.

Did you run searches to determine how many emails the terms are hitting? We are amenable to qualifying the terms, especially HOPE, but we need a baseline or some sampling to evidence whether the terms are in fact overbroad or are generating false hits.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 4, 2020 3:52 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshh@gmail.com>; Justin Grams <justin.grams@lacity.org>

Subject: Re: Garcia v. City of Los Angeles

Counsel:

Following up on the email search terms, the system is apparently not capable of running case-sensitive searches, which makes the terms "CARE" and "HOPE" extremely overbroad. Based on how these terms are typically used in the relevant context, we propose the following search terms instead:

H.O.P.E.

"hope program"

"hope team"

"hope unit"

"hope initiative"

C.A.R.E.

"care program"

"care team"

"care unit"

"care plus"

"care+"

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles

Business & Complex Litigation

City Hall East

200 N. Main Street, 6th Floor

Los Angeles, California 90012

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On Tue, Dec 1, 2020 at 12:46 PM Patricia Ursea <patricia.ursea@lacity.org> wrote:

Thank you, Counsel. The City agrees to stipulate to the proposed extension of trial dates. We will ask the appropriate IT departments to run the search terms you propose and will get back to you on the issues you raise in the corresponding letter as soon as we receive the results.

We are continuing to work with the various departments to obtain the other data and information Plaintiffs requested and will produce those documents as soon as they are available. Regarding the January 1, 2018 start date for

production, we understand that Plaintiffs agreed to limit their document requests to that date in prior meet-and-confer discussions. As we understand it, the data at issue is not as straightforward to export and prepare for production as Plaintiffs imagine and given that all of Plaintiffs' incidents occurred in 2019, and the requested data is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City believes beginning the production on January 1, 2018 is more than reasonable. On a related note, we learned that our colleague Felix Lebron will not be returning from leave this week as anticipated and will not be returning until sometime in the new year. As we discussed, Felix spearheaded the collection and production efforts for the City; we are doing our best to pick up where he left off and complete the productions as soon as possible.

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Thank you.

Patricia

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On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

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Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

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for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 19, 2020 5:07 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles

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Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafila.org> wrote:
Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles

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EXHIBIT 13



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

1 message

Shayla R. Myers <SMyers@lafla.org>

Mon, Dec 7, 2020 at 5:04 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshh@gmail.com>, Justin Grams <justin.grams@lacity.org>

Counsel,

When do you intend to run the searches? We provided the list to you almost two weeks ago, with an expectation that you would quickly run the searches and provide a hit report, so we would have a baseline to discuss limiting the results. We appreciate that you do not want any more delay, but we're confused as to why there has already been such a delay, and how long we can anticipate until we get the results of these searches.

With regards to the proposed limiters, we are fine with running both the original terms and running them with limiters, so we can compare the results.

Rather than using specific exact phrases, we would propose using proximity searches:

HOPE:

H.O.P.E.

HOPE /5 program or team or unit or initiative

For all custodians: [HOPE /30 homeless or encampment]

For custodians not within LAPD, add: [/30 LAPD or officer]

For custodians not within LA SAN: add [/30 sanitation or LASAN or "LA San"]

CARE:

C.A.R.E.

CARE+

CARE /5 (plus or team or program or unit)

[care /30 rollout or training or policy or protocol or operation or practice or launch or initiative or clean or cleanup or homeless or encampment or "service day" or trash or "bulky item"]

For custodians not within LA SAN: add [sanitation or LASAN or "LA San"]

We expect that we will be able to sample the results, to see if the extent to which there are false hits from HOPE and CARE. While we appreciate that these are ordinary words, they are also specific terms of art related to the case, and we expect at least with CARE, that a significant number of responsive emails will use CARE standing alone, without identifiable terms we can use to limit the results.

Given the back and forth that will inevitably be required to address these issues, we'd appreciate both an answer to our question about the City's expected timeline, and that the parties can move more quickly to address these issues.

Thanks,

Shayla Myers | Senior Attorney
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7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Monday, December 7, 2020 9:00 AM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>
Subject: Re: Garcia v. City of Los Angeles

Thank you, Counsel. IT has not yet run the searches but as we believe it is highly likely that the word "hope" and possibly "care" will result in false hits, we wanted to be prepared with alternative search terms that we can give IT at the outset. IT can run the searches first without limitations and then with the limitations but we wanted to get the Plaintiffs' weigh-in on the alternative search terms to minimize the potential for delay.

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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Patricia,

We will review your proposed terms and get back to you shortly.

Did you run searches to determine how many emails the terms are hitting? We are amenable to qualifying the terms, especially HOPE, but we need a baseline or some sampling to evidence whether the

terms are in fact overbroad or are generating false hits.

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Subject: Re: Garcia v. City of Los Angeles

Counsel:

Following up on the email search terms, the system is apparently not capable of running case-sensitive searches, which makes the terms "CARE" and "HOPE" extremely overbroad. Based on how these terms are typically used in the relevant context, we propose the following search terms instead:

H.O.P.E.

"hope program"
"hope team"
"hope unit"
"hope initiative"

C.A.R.E.

"care program"
"care team"
"care unit"
"care plus"
"care+"

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

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Thank you, Counsel. The City agrees to stipulate to the proposed extension of trial dates. We will ask the appropriate IT departments to run the search terms you propose and will get back to you on the issues you raise in the corresponding letter as soon as we receive the results.

We are continuing to work with the various departments to obtain the other data and information Plaintiffs requested and will produce those documents as soon as they are available. Regarding the January 1, 2018 start date for production, we understand that Plaintiffs agreed to limit their document requests to that date in prior meet-and-confer discussions. As we understand it, the data at issue is not as straightforward to export and prepare for production as Plaintiffs imagine and given that all of Plaintiffs' incidents occurred in 2019, and the requested data is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City believes beginning the production on January 1, 2018 is more than reasonable. On a related note, we learned that our colleague Felix Lebron will not be returning from leave this week as anticipated and will not be returning until sometime in the new year. As we discussed, Felix spearheaded the collection and production efforts for the City; we are doing our best to pick up where he left off and complete the productions as soon as possible.

On a final discovery-related note, the City is still awaiting amended responses and further document production from Plaintiffs in response to discovery the City served in August and about which the parties met and conferred on September 30, 2020. For example, we have still not received any responses to the 11 interrogatories the City served on Mr. El- Bey on August 14, 2020. If necessary, we can describe the outstanding discovery responses in separate correspondence. But in the hopes of streamlining the parties' discovery-related efforts, we hope this serves as a sufficient reminder and refer Plaintiffs to our letter dated September 16, 2020, which details the deficiencies in Plaintiffs' initial objections and/or responses.

Thank you.

Patricia

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On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

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From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, November 19, 2020 5:07 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles

Counsel,

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

MyLA 311 Database: With the two exceptions noted below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. This will include data from all fields except for the contact information of the requestor, to protect confidentiality. Photographs associated with these cleanups are housed separately and there is no automated method for exporting them. As we have explained, the number of photographs associated with cleanups vary dramatically and could include as many as 700 photographs. Each photograph for each cleanup would need to be downloaded manually. If after seeing the data, Plaintiffs wish to request photographs for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

AMS database: We are waiting to hear back on what data is stored in AMS that is not also stored in MyLA. We understand there is significant overlap. To the extent there is data in AMS that is not stored in MyLA, that data will be produced. The anticipated date of completion is December 18, 2020.

RFCs: RFCs are not stored electronically by the LAPD. They are stored in paper format and organized by month and year, not by the nature of the violation. The Criminal Branch has only one record of an RFC that was filed electronically; the remainder were filed in paper form and are not stored electronically. We are still exploring whether there is any feasible and reasonable way to satisfy Plaintiffs' request and will get back to you once we have exhausted any remaining possibilities.

Complaints to LAPD: The City will export the intake summaries (i.e., the complaints) that relate to seizure or destruction of unhoused person's belongings into a spreadsheet and produce it. The spreadsheet will only include investigations that have been closed as ongoing investigations are privileged. The anticipated date of completion is December 18, 2020.

Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unhoused persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafila.org> wrote:

Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
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EXHIBIT 14



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles

Patricia Ursea <patricia.ursea@lacity.org>

Tue, Dec 8, 2020 at 12:58 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, Pui-Yee Yu <PYu@lafla.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Michael Onufer <michael.onufer@kirkland.com>, "Park, Patrick" <patrick.park@kirkland.com>, "Blake, Sam" <sam.blake@kirkland.com>, Cathy Sweetser <catherine.sdshh@gmail.com>, Justin Grams <justin.grams@lacity.org>

Counsel:

As you know, we do not run searches but rather submit search requests to the appropriate IT departments, which must construct and run searches, and download documents, not only for this case but a multitude of other cases the City is involved in, CPRA requests, and a variety of other reasons. The search process, which is detailed in the City's objections to the Plaintiffs' RFPs and in the City's letters of August 24, 2020 and September 25, 2020, is resource-intensive and time-consuming. Furthermore, each time a request is submitted, it goes to the back of line. Given that Plaintiffs have asked the City to run very broad searches, including two words that are extremely common in emails (e.g., "I **hope** you are well"; "Take **care**,"), involving over 40 custodians, we thought it would be more efficient to construct alternative search parameters to address obvious overbreadth issues so that IT could run the searches as part of one request.

We had intended to also meet-and-confer up front as to some of the other custodians and search terms. For example, Gita O'Neil is an attorney and the term "56.11" is likely to result in an enormous number of privileged documents that would burden the review process in a manner we do not believe is proportional to the needs of the case. We were exploring options for narrowing the results that we planned to confer with Plaintiffs about but given that this approach has led to accusations of intentional delay, we will do as Plaintiffs wish and request IT to run an initial search with no limitations, then meet-and-confer if needed, and then request additional searches if appropriate.

On the subject of the alleged delay, your email does not accurately reflect the relevant timeline of the parties' search term negotiations. The City agreed to meet and confer about custodians and search terms on August 25, 2020. The City later reiterated that agreement in a letter dated September 25, 2020. Plaintiffs did not provide the custodians and search term proposal until November 24, 2020, which also happened to be two days before Thanksgiving. That Thursday and Friday were City holidays and many employees were out on other days that week, including myself. Upon returning the following week, we consulted with IT about the proposed searches. When we discovered that the searches IT runs are not case sensitive, we then developed alternative search parameters to address the CARE and HOPE issues, which we shared with Plaintiffs on Friday of that week.

In response to your question, with the exception noted below, we aim to submit the requests to the various IT departments this week, including the alternative search parameters you suggested for CARE and HOPE. The exception is that we will need to further meet and confer concerning Plaintiffs' request for "council staff" from the four Council Districts. A preliminary inquiry indicates that this would require searching emails for over 60 employees, not including former employees. As a compromise, we are working on identifying the employees in each Council District that were/are most likely to communicate about cleanups, 56.11, and related authorizations 2018 to the present. We will propose a subset of custodians from those Council Districts once we have completed our inquiry. In the meantime, if you are aware of the names of specific employees in the Council Districts you believe would have relevant information, please let us know.

Patricia

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On Mon, Dec 7, 2020 at 5:04 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

When do you intend to run the searches? We provided the list to you almost two weeks ago, with an expectation that you would quickly run the searches and provide a hit report, so we would have a baseline to discuss limiting the results. We appreciate that you do not want any more delay, but we're confused as to why there has already been such a delay, and how long we can anticipate until we get the results of these searches.

With regards to the proposed limiters, we are fine with running both the original terms and running them with limiters, so we can compare the results.

Rather than using specific exact phrases, we would propose using proximity searches:

HOPE:

H.O.P.E.

HOPE /5 program or team or unit or initiative

For all custodians: [HOPE /30 homeless or encampment]

For custodians not within LAPD, add: [/30 LAPD or officer]

For custodians not within LA SAN: add [/30 sanitation or LASAN or "LA San"]

CARE:

C.A.R.E.

CARE+

care /5 (plus or team or program or unit)

[care /30 rollout or training or policy or protocol or operation or practice or launch or initiative or clean or cleanup or homeless or encampment or "service day" or trash or "bulky item"]

For custodians not within LA SAN: add [sanitation or LASAN or "LA San"]

We expect that we will be able to sample the results, to see if the extent to which there are false hits from HOPE and CARE. While we appreciate that these are ordinary words, they are also specific terms of art related to the case, and we expect at least with CARE, that a significant number of responsive emails will use CARE standing alone, without identifiable terms we can use to limit the results.

Given the back and forth that will inevitably be required to address these issues, we'd appreciate both an answer to our question about the City's expected timeline, and that the parties can move more quickly to address these issues.

Thanks,

Shayla Myers | Senior Attorney

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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Monday, December 7, 2020 9:00 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>

Subject: Re: Garcia v. City of Los Angeles

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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 4, 2020 3:52 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>; Justin Grams <justin.grams@lacity.org>

Subject: Re: Garcia v. City of Los Angeles

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"hope unit"

"hope initiative"

C.A.R.E.

"care program"

"care team"

"care unit"

"care plus"

"care+"

[care /10 rollout or training or policy or protocol or operation or practice or launch or initiative or cleanup or cleanup or homeless or encampment]

Please let us know whether you have any concerns or other suggestions for reasonably limiting these search terms. Thank you.

Patricia

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Thank you, Counsel. The City agrees to stipulate to the proposed extension of trial dates. We will ask the appropriate IT departments to run the search terms you propose and will get back to you on the issues you raise in the corresponding letter as soon as we receive the results.

We are continuing to work with the various departments to obtain the other data and information Plaintiffs requested and will produce those documents as soon as they are available. Regarding the January 1, 2018 start date for production, we understand that Plaintiffs agreed to limit their document requests to that date in prior meet-and-confer discussions. As we understand it, the data at issue is not as straightforward to export and prepare for production as Plaintiffs imagine and given that all of Plaintiffs' incidents occurred in 2019, and the requested data is related to thousands of unrelated cleanups that did not involve Plaintiffs, the City believes beginning the production on January 1, 2018 is more than reasonable. On a related note, we learned that our colleague Felix Lebron will not be returning from leave this week as anticipated and will not be returning until sometime in the new year. As we discussed, Felix spearheaded the collection and production efforts for the City; we are doing our best to pick up where he left off and complete the productions as soon as possible.

On a final discovery-related note, the City is still awaiting amended responses and further document production from Plaintiffs in response to discovery the City served in August and about which the parties met and conferred on September 30, 2020. For example, we have still not received any responses to the 11 interrogatories the City served on Mr. El- Bey on August 14, 2020. If necessary, we can describe the outstanding discovery responses in separate correspondence. But in the hopes of streamlining the parties' discovery-related efforts, we hope this serves as a sufficient reminder and refer Plaintiffs to our letter dated September 16, 2020, which details the deficiencies in Plaintiffs' initial objections and/or responses.

Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Tue, Nov 24, 2020 at 4:43 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence re: Plaintiffs' initial list of custodians and search terms for email discovery as well as our initial list of search terms. We look forward to hearing from you.

Also, we appreciate Ms. Ursea's email confirming the City's intention to produce data contained in the MyLA311, WPIMS, and AMS databases and the representations related to the production of other documents. We will follow up with some further considerations next week. As an initial matter, we disagree with the City's decision to limit the production of data from these specific databases to only January 1, 2018, given that the data is a public record, as I noted on the call, and producing data going back to April 2016 will not create any more work for the City. We also do not understand why there will be yet another month delay before the City will produce these basic spreadsheets. It should be very

straightforward for the City to export this data and provide it to Plaintiffs. Especially in light of the City's suggestion that we use the databases to identify additional documents responsive to our requests, we request the City provide us these databases immediately.

Finally, the discovery cutoff in this case is two months. Given where the parties are in discovery as well as the current uncertainty related to COVID, we believe it is unreasonable for the parties to complete discovery by January 25, 2021. We suggest the parties seek a six month extension of all trial dates. Doing so will allow the parties to work towards the resolution of some of these issues without immediate motion practice related to the City's responses to Plaintiffs' discovery. We also think, in light of the current global pandemic, which has had a particular impact on our clients, that such an extension is warranted and would be granted by the Court. If the City is willing to stipulate to this continuance, please let us know and we will draft a stipulation and order for your review.

We look forward to hearing from you on these matters.

-Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 19, 2020 5:07 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Pui-Yee Yu <PYu@lafla.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Michael Onufer <michael.onufer@kirkland.com>; Park, Patrick <patrick.park@kirkland.com>; Blake, Sam <sam.blake@kirkland.com>; Cathy Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles

Counsel,

As promised, below is an update on the database issues we discussed on Tuesday. Your letter raises a multitude of additional issues, which we will address separately as soon as we can. As you know, our colleague who has been primarily handling the City's discovery responses and related document collection is out on leave this month and will be returning on Nov. 30. While we have done our best to pick up where he left off, we do not have all the relevant history on document collection and production to be able to immediately respond to all the issues you raise. We will follow up on those issues as soon as we obtain the necessary information.

MyLA 311 Database: With the two exceptions noted below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. This will include data from all fields except for the contact information of the requestor, to protect confidentiality. Photographs associated with these cleanups are housed separately and there is no automated method for exporting them. As we have explained, the number of photographs associated with cleanups vary dramatically and could include as many as 700 photographs. Each photograph for each cleanup would need to be downloaded manually. If after seeing the data, Plaintiffs wish to request photographs for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

WPIMS database: With the exception discussed below, all data related to encampment cleanups from 1/1/18 to the present will be exported into an Excel spreadsheet and produced. There is no automated method for exporting cleanup reports associated with the cleanups. These reports are stored as separate documents and each must be downloaded manually. If after seeing the data, Plaintiffs wish to request cleanup reports for some reasonable subset of the cleanups, we can meet and confer about such a request. The anticipated date of completion is December 18, 2020.

AMS database: We are waiting to hear back on what data is stored in AMS that is not also stored in MyLA. We understand there is significant overlap. To the extent there is data in AMS that is not stored in MyLA, that data will be produced. The anticipated date of completion is December 18, 2020.

RFCs: RFCs are not stored electronically by the LAPD. They are stored in paper format and organized by month and year, not by the nature of the violation. The Criminal Branch has only one record of an RFC that was filed electronically; the remainder were filed in paper form and are not stored electronically. We are still exploring whether there is any feasible and reasonable way to satisfy Plaintiffs' request and will get back to you once we have exhausted any remaining possibilities.

Complaints to LAPD: The City will export the intake summaries (i.e., the complaints) that relate to seizure or destruction of unowned person's belongings into a spreadsheet and produce it. The spreadsheet will only include investigations that have been closed as ongoing investigations are privileged. The anticipated date of completion is December 18, 2020.

Government Claims: We have confirmed that CityLaw has extremely limited search capabilities. Each search term must be run individually across the database, then the results must be reviewed for responsiveness. In addition, if paper claims are submitted, they are uploaded as pdfs and are not searchable. There is no specific field or combination of fields that would capture only seizure or destruction of unowned persons' property. The City will run searches across the entire database and will export the text of all relevant claims into an Excel spreadsheet. The anticipated date of completion is December 18, 2020.

Storage Data: The City intends to produce data tracked by Chrysalis. We are waiting to hear back from the Chrysalis coordinator, who is new to the position, on the details of the data and anticipated timeframe.

To be clear, the City's position continues to be that the data described above -- all of which involves cleanup operations wholly unrelated to Plaintiffs or their belongings -- is not relevant to Plaintiffs' claims and given the burden associated with collecting and producing it, the requests for this data are not proportional to the claims. The City agrees to produce the data described above in an effort to compromise, avoid onerous and costly discovery motion practice, and move the case forward to the merits. The agreement to produce this data is not intended to waive the City's arguments related to relevance, proportionality, or any other objections asserted in response to the RFPs.

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On Thu, Nov 19, 2020 at 10:33 AM Shayla R. Myers <SMyers@lafra.org> wrote:
Counsel,

Attached please find further correspondence regarding the City's responses to Plaintiffs' RFPs, Set One. We look forward to hearing from you today regarding the City's production of data and

other responsive documents.

Thanks,

Shayla Myers | Senior Attorney
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EXHIBIT 15



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Writer's Direct Line (213) 640-3983

Our File Number 19-1306127

VIA EMAIL ONLY

December 9, 2020

Patricia Ursea
Gabriel Dermer
Felix Labron
Office of the City Attorney
200 N. Main Street, 6th Floor
Los Angeles, California 90012

**RE: Garcia v. City of Los Angeles
Responses to Plaintiffs Requests for Production, Set One**

Counsel,

We have not heard back from the City on the majority of the issues outstanding from our November 14, 2020 call or the many other issues outstanding regarding the City's production of documents responsive to Plaintiffs' RFPS, Set One. This includes, but is not limited to:

1. Confirmation that the City is producing raw data exported from all databases used by LA Sanitation related to encampment cleanups
2. Production of photographs and other documents produced by the City of LA in native format or a format that preserves metadata;
3. Confirmation that the City will continue to produce all documents in TIFF format with metadata intact or in native format;
4. Search terms used to search for government tort claims and other documents;
5. Further amendments to the City's written responses that comply with Rule 34;
6. A privilege log

In addition, the City has not addressed the many specific questions we have raised about missing documents, including but not limited to the City's inexplicable failure to produce:

1. documents specific to the individual cleanups outlined in the complaint
2. a complete set of job descriptions for the applicable time period in this case
3. organizational charts that reflect the staffing of the relevant departments during the relevant time periods
4. power point presentations that are directly relevant and responsive to Plaintiffs' requests

Other Office Locations:

East Los Angeles Office, 5228 Whittier Blvd., Los Angeles, CA 90022; 213-640-3883
Long Beach Office, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501
Santa Monica Office, 1640 5th St., Suite 124, Santa Monica, CA 90401; 310-899-6200
Ron Olson Justice Center, 1550 W 8th Street, Los Angeles, CA 90017; 323-801-7989

5. reports and other data not included in the City's most recent agreement to produce raw data exported from databases, such as monthly tonnage reports and data provided to council offices regarding encampment cleanup, any reports generated by UHRC, LA Sanitation or other city agencies related to property seizure, destruction, and storage, etc.

When we yet again raised the inadequacy and seeming arbitrary nature of the City's production in November, Mr. Dermer indicated the City had not yet completed its production. But the City has not provided any additional documents and has refused to provide a date certain by which to complete its production as required by Rule 34. Moreover, the fact that the City has not completed the production of even these incredibly basic documents, nor provided any explanation for the failure to produce responsive documents, is unreasonable.

The City's offer to meet and confer after December 18 if Plaintiffs wish to request a subset of documents related to individual cleanups is also unreasonable. Plaintiffs requested documents related to additional individual cleanups as part of our initial requests. The documents are directly relevant to the existence of widespread and longstanding policies related to the violation of unhoused people's constitutional rights (which are outlined in detail in Plaintiffs' complaint), as well as for impeachment and credibility purposes, and to establish the dates and times of other incidents in which our clients' property was taken.

In response to Defendant's objections about burden and proportionality, we have offered myriad ways to address the City's objections. We have offered to limit the geographic and temporal scope of our requests, offered to discuss ways to reduce the burden on Defendants to produce the documents, etc. The City has refused to even discuss the production of any additional documents and has not offered any response, other than reject our suggestions and reiterate its view about the scope of the case and the value of the issues at stake.

Plaintiffs cannot continue to negotiate against ourselves, especially since we have no information about how the documents are kept in the normal course or what would actually be required to produce these documents (and again, we note that many of the documents have already been provided by the City in response to public records act requests). Moreover, the City has refused to acknowledge the significance of the issues at stake in this litigation, despite multiple court rulings and a City-wide preliminary injunction. Given these significant disagreements and the time that has already passed since Plaintiffs filed the case, it is unreasonable to suggest at this late date, that Plaintiffs wait yet another month, on the representation that the City might now be willing to meet and confer about a subset of documents it may determine is reasonable.

With regards to the documents the City has agreed to produce, namely some raw data, complaints and government tort claims, we are unclear what the City intends to actually produce on December 18. The City has not provided us the requested data dictionary for the databases or even confirmed whether the three databases the City is exporting data from are the universe of databases used by LA Sanitation to capture quantitative data related to encampment cleanups.

We also continue to object to the City's arbitrary December 18 production date, since these documents are in response to requests we formally propounded in July 2020 (but were given to the City over a

Page 3 of 3

Letter to City of Los Angeles re: RFPs Set One

year ago). More importantly, the date chosen by the City to finally produce documents is just three days before the last day for Plaintiffs to file a motion and have it heard before our existing discovery cutoff. Whether by design or by coincidence, the date chosen by Defendants does not leave Plaintiffs enough time to reasonably review whatever documents the City decides to produce on that date and still meet our filing deadline.

Therefore, we request you provide us with any additional documents the City intends to produce by Friday, December 11. If the City is unable to produce specific categories of documents before December 18, 2020, we request you provide us a more precise description of the documents you intend to produce on December 18 and a commitment to provide those documents on that date. And if there are any further issues about which you believe further discussions are warranted, we are available to do so this afternoon after 4:00 p.m. or tomorrow after 1:00 p.m. Otherwise, we intend to base our motion to compel on the documents the City has produced and the written responses provided to Plaintiffs by December 11.

While we have requested a continuance of all dates, we cannot assume that the request will be granted. Given the sheer number of disputes between the parties, we cannot prejudice our clients' interests by waiting any longer to seek court intervention. We would have strongly preferred not to engage in motion practice during the last few weeks of December. But while we control the date of the filing of the motion, the City has controlled every other aspect of the production, and the timing of our motion is based on the timing of the City's production. We are giving you advanced notice as a professional courtesy, so you can plan accordingly.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Myers".

Shayla Myers
Pui-Yee Yu

EXHIBIT 16



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Thu, Dec 10, 2020 at 10:40 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Sam Blake <sam.blake@kirkland.com>, Pui-Yee Yu <PYu@lafla.org>

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbing accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to

complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
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200 N. Main Street, 6th Floor
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Patricia.Ursea@lacity.org
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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
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200 N. Main Street, 6th Floor
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Patricia.Ursea@lacity.org
(213) 978-7569

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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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EXHIBIT 17



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Fri, Dec 11, 2020 at 8:05 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Sam Blake <sam.blake@kirkland.com>, Pui-Yee Yu <PYu@lafla.org>, Catherine Sweetser <catherine.sdshhh@gmail.com>

Counsel:

We agree that rehashing the past is not productive and likewise wish to move forward with the litigation. We are hopeful that future correspondence from Plaintiffs will reflect this mutual goal and the City will be more than happy to also focus on the path ahead. We disagree with your characterization of the discovery owed to the City but in the spirit of moving forward, please see the following responses to discovery issues identified in your letter:

1. Format of initial production in November and December 2019. As we have said, our colleague Felix Lebron was primarily involved in the collection and production of these documents and as you know, he is on leave until next year so we have had to piece the history together as best as we can. Based on our investigation into this initial production, it is our understanding that most of the documents were delivered to our office in paper form. Subsequently, we were approved for e-discovery software and since then have collected documents electronically and have produced all documents in single page tiff or native, as appropriate. While we do not believe the City is required to re-produce documents in a different format (see FRCP Rule 34(b)(2)(E)(iii)), we are looking into the feasibility and burden of re-producing some or all of the cleanup-specific LASAN documents (watershed reports and photos) with metadata and hope to have an answer for you next week.

However, the City will not agree to reproduce as a matter of course the numerous documents included in its initial round of productions regarding various South LA watershed cleanups. As you know, the City produced those documents as a courtesy because Plaintiff Haugabrook was not able to identify the date and precise location of the alleged cleanup(s) that forms the basis of his claim, beyond the general location of South LA. To date, Plaintiffs have not informed us whether any of the cleanups in that production form the basis of Mr. Haugabrook's claim. We would be willing to reproduce specific cleanup documents from the South LA universe of documents if Mr. Haugabrook specifies the relevant cleanup(s), subject to the feasibility and burden analysis noted above.

2. Format of future productions. The City confirms that it will continue to produce documents in in single page tiff or native, as appropriate.

3. Further document productions. We have identified and reviewed additional documents responsive to Plaintiffs' requests, including organizational charts, job descriptions, tonnage reports, cleanup reports to the Mayor's Office, and powerpoint documents. These documents will be produced next week. We are continuing our investigation into what has been collected and what there may be left to collect; we will continue to review and produce as soon as possible on a rolling basis.

4. Plaintiff-specific assignment logs and authorizations. We do not know why such documents were not included in the City's prior productions but we can assure you that the City is not withholding any such documents. At this time, we do not know whether or to what extent such documents exist. If they exist, the City will produce them. We are waiting to hear back from LASAN on this and will produce any such documents as soon as we receive them.

5. LAPD body cam footage. We have put in an additional inquiry to LAPD regarding the body cam footage because we have not been able to get a clear picture of the history of this collection effort. We are aware that not all officers turn on their body cams in all instances, which may be the reason for the "missing" footage, but we want to make sure that nothing was overlooked during the initial collection. We hope to have further information on this next week and intend to produce any additional footage if such exists as soon as we receive it.

6. Databases. We have been informed that the database information we described in our November 19 email is on track for the December 18th date. It is our understanding from several sources that the three databases we have agreed to

produce are the only databases that house cleanup information but we have asked additional LASAN employees for further confirmation and await their responses, which we will share with you upon receipt.

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We continue to work on these and the handful of other issues identified in your letter and will update you on a rolling basis as we learn additional information.

Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**

www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, December 10, 2020 10:40 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

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Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
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City Hall East
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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
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City of Los Angeles Mail - Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

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EXHIBIT 18



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1 message

Shayla R. Myers <SMyers@lafla.org>

Fri, Dec 18, 2020 at 4:59 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Sam Blake <sam.blake@kirkland.com>, Pui-Yee Yu <PYu@lafla.org>, Catherine Sweetser <catherine.sdshhh@gmail.com>

Patricia,

In our RFPs, Plaintiffs explicitly requested the metadata for all responsive documents. Moreover, Rule 34 requires the production of documents as they are kept in the normal course. The initial production from the City in November and December 2019 was deficient on both of these accounts. We attempted to meet and confer about the form of production as early as possible, as required by Rule 26, to avoid exactly this situation. Instead, the City opted to produce the documents as massive PDFs without useable metadata. Rule 34(b)(2)(E)(iii) is certainly not intended to allow a party to ignore other provisions of Rule 34 and then avoid fixing those errors by claiming it need not reproduce documents.

We are entitled to the requested metadata, but in the interest of obtaining this information as expediently as possible and without court intervention, we offered what we believe is a reasonable compromise. We look forward to hearing from you today if you are willing to provide these documents as requested. If not, we intend to raise this with the Court.

With regards to Mr. Haugabrook, we disagree with your statement that we were unable to provide a location where the cleanups occurred. We provided you that information in the Second Amended Complaint. In addition, we disagree with your characterization of the production of these "South LA" documents. While you view this as a courtesy, we consider this part of the City's discovery obligation in this case. We note that the City brought a motion for a more definite statement under Rule 8 of the Federal Rules of Civil Procedure, alleging that Mr. Haugabrook failed to provide sufficient details about his allegations. The District Court denied the motion, finding that Mr. Haugabrook had provided sufficient information for the City to investigate the claims. Plaintiffs in turn, are entitled to discovery related to those claims. We strongly disagree with the City's repeated assertion that these documents are the only documents related to cleanups conducted in "South LA" during March 2019, but we are entitled to the documents the City believes constitute the universe of these cleanups.

Also, this is the first time you have inquired whether any of the documents produced by the City relate to Mr. Haugabrook's claims. From our perspective, it is clear that the documents produced by the City do not form the basis for his claims, as they relate to cleanups that occurred nowhere near where Mr. Haugabrook alleges he was subjected to the City's unconstitutional practices.

We look forward to receiving documents consistent with the City's obligations under Rule 34.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**

www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 11, 2020 8:05 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

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Shayla Myers | Senior Attorney

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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, December 10, 2020 10:40 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

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We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbing accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs

provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
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Business & Complex Litigation
City Hall East
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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, November 12, 2020 9:44 AM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org

(213) 978-7569

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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
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CPM: 5 T8 0A 00785 02L 6TV DOCUMENT 125 0 11180 6986 0900337 6986 548 16 332 6986 0

EXHIBIT 19

PIMS_2018_2019 Homeless Encampment Data (6) - Excel																
File Home Insert Page Layout Formulas Data Review View Help Tell me what you want to do																
Clipboard Font Paragraph Styles Cells Editing																
17 Full cleanup																
1	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
CASE, CASE DATE, COUNCIL, DISTRICT, CALL RECEIVED, B' FIRST RESPONDER, SECOND RESP, NATURE OF CALL, ADDRESS, RESOLUTION										SOLID_WASTE_LB	FECES_LB	URINE_LB	NON_RCRA_PAINT_WASTE_LB	NON_RCRA_WASTE_OIL_LB	NUMBER_OF_SHARP	NUMBER_OF_DRUG_PARAPH
6053	68710	12/11/2019 00:00:00	6 - Noury Marti	NEKPEN AIMIUWU	DANIEL HERNANDEZ	AREK ARZOUN	Homeless Encamp	6300 N Balboa BLV	Full cleanup	20,000	25	25	0	10	20	100
6054	68705	12/11/2019 00:00:00	1 - Gilbert Cedi	ROSALYN SARE	PHILIP PEDROSA	BERENICE ANG	Public Right-Of-Enf	1037 S BERENDO ST	Los Angeles 900	0	0	0	0	0	0	0
6055	68712	12/11/2019 00:00:00	-	NEKPEN AIMIUWU	ASHLEY AVENDANO	ROMY BEATTIE	Public Right-Of-Enf	11263 Balboa BLV	Enforcement Act	250	20	0	0	0	0	0
6056	68707	12/11/2019 00:00:00	1 - Gilbert Cedi	ROSALYN SARE	PHILIP PEDROSA	BERENICE ANG	Public Right-Of-Enf	2900 W FRANCIS AVE	Los Angeles 900	100	0	0	0	0	0	0
6057	68737	12/11/2019 00:00:00	4 - Tom Labong	BERNAD DANCEL	BERNAD DANCEL		Public Right-Of-Enf	0 lankershim BLVD	Los Angeles 900	2,000	0	25	0	0	0	0
6058	68477	12/11/2019 00:00:00	-	DIANA POWELL	ROSALYN SARE		Homeless Encamp	1338 N Ivar AVE	Los Angeles 90028							
6059	68797	12/11/2019 00:00:00	-	FRANKLIN GONZAI	FRANKLIN GONZALEZ		Public Right-Of-Enf	Grand AVE	Los Angeles 90003	1,500	0	0	0	0	0	0
6060	68760	12/11/2019 00:00:00	-	FREDERICK TEO	TIMI KURUVILLA		Public Right-Of-Enf	Rinaldi ST	Los Angeles Incident Closed	150	0	0	0	0	0	0
6061	68756	12/11/2019 00:00:00	-	SALVADOR ROSALI	JESUS A. SANCHEZ	BENJAMINE OI	Public Right-Of-Enf	alhambra AVE	Los Angeles No Enforcement	200	0	0	0	0	0	0
6062	68722	12/11/2019 00:00:00	12 - Mitchell En	NEKPEN AIMIUWU	ASHLEY AVENDANO	ROMY BEATTIE	Public Right-Of-Enf	9833 N Deering A	Incident Closed	0	0	0	0	0	0	0
6063	68825	12/11/2019 00:00:00	-	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Enf	10726 N Ilex AVE	Los Angeles Incident Closed	110	0	0	0	0	0	0
6064	68771	12/11/2019 00:00:00	-	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Enf	9900 N Marcus AVE	Los Angeles 900	0	0	0	0	0	0	0
6065	68497	12/11/2019 00:00:00	-	ANDY ZHANG	ANDY ZHANG	KAREN CHEBA	OHS Skid Row Full	C5th Los Angeles 90013		1,500	15	10	0	0	0	25
6066	68779	12/11/2019 00:00:00	-	DANIELA CARDEN	DANIELA CARDENAS		Public Right-Of-Enf	2622 N Huron ST	Los Angeles Incident Closed	0	0	0	0	0	0	0
6067	68770	12/11/2019 00:00:00	-	TIMI KURUVILLA	TIMI KURUVILLA		Public Right-Of-Enf	10737 Sepulveda	Los Angeles Incident Closed	30	0	0	0	0	0	0
6068	68516	12/11/2019 00:00:00	-	ANDY ZHANG	ANDY ZHANG	KAREN CHEBA	Homeless Encamp	FLOWER	Los Angeles Incident Discont	0	0	0	0	0	0	0
6069	68539	12/11/2019 00:00:00	11 - Mike Bonin	EARL E SPEIGHT	EARL E SPEIGHT	JESSE SAN MIG	Homeless Encamp	321 S 4th ST	Los Angeles Incident Discont	0	0	0	0	0	0	0
6070	68713	12/11/2019 00:00:00	3 - Bob Blumen	NEKPEN AIMIUWU	AARON FLORES	JAY KIM	Public Right-Of-Enf	18410 Clark ST	Tar No Enforcement	80	0	0	0	0	0	0
6071	68805	12/11/2019 00:00:00	-	SALVADOR ROSALI	SHAYLA CALLERO		Public Right-Of-Enf	3875 S Crenshaw	Los Angeles Incident Closed	0	0	0	0	0	0	0
6072	68734	12/11/2019 00:00:00	-	EDUARDO VALENC	EDUARDO VALENCIA		Public Right-Of-Enf	Grand View AVE	Los Angeles Incident Closed	0	0	0	0	0	0	0
6073	68718	12/11/2019 00:00:00	3 - Bob Blumen	NEKPEN AIMIUWU	AARON FLORES	JAY KIM	Public Right-Of-Enf	7851 N Reseda BL	No Enforcement	150	0	0	0	0	0	0
6074	68823	12/11/2019 00:00:00	-	RUBEN HERNANDE	GILBERTO CAMPOS	JOHN VILLARE	Public Right-Of-Enf	11217 W Exposition	BLVD Los Angeles	300	10	20	0	0	0	0
6075	68798	12/11/2019 00:00:00	-	FRANKLIN GONZAI	FRANKLIN GONZALEZ		Public Right-Of-Enf	Grand Ave	Los Angeles 90003	1,000	0	0	0	0	0	0
6076	68806	12/11/2019 00:00:00	-	SALVADOR ROSALI	SHAYLA CALLERO		Homeless Encamp	1127 W Temple	ST Los Angeles 900	1,000	0	5	0	0	0	0
6077	68733	12/11/2019 00:00:00	-	NEKPEN AIMIUWU	ASHLEY AVENDANO	SAMANTHA AF	Public Right-Of-Enf	18830 Plummer ST	No Enforcement	0	0	0	0	0	0	0
6078	68763	12/11/2019 00:00:00	-	DANIELA CARDEN	DANIELA CARDENAS		Public Right-Of-Enf	2920 Eagle Rock	BL Incident Closed	0	0	0	0	0	0	0
6079	68772	12/11/2019 00:00:00	-	DANIELA CARDEN	DANIELA CARDENAS		Public Right-Of-Enf	4044 Eagle Rock	BL Incident Closed	0	0	0	0	0	0	0
6080	68512	12/11/2019 00:00:00	-	ANDY ZHANG	ANDY ZHANG	KAREN CHEBA	Homeless Encamp	54TH ST	Los Angeles Incident Discont	0	0	0	0	0	0	0
6081	68728	12/11/2019 00:00:00	-	EDUARDO VALENC	EDUARDO VALENCIA		Public Right-Of-Enf	Culver BLVD	Los Angeles No Enforcement	80	0	0	0	0	0	0
6082	68731	12/11/2019 00:00:00	-	EDUARDO VALENC	EDUARDO VALENCIA		Public Right-Of-Enf	12513 Venice BLV	Los Angeles Incident Closed	0	0	0	0	0	0	0
6083	68474	12/11/2019 00:00:00	-	SALVADOR ROSALI	STEPHANY CRUZ	BRANDI WILLI	Homeless Encamp	4607 W Jefferson	BLVD Los Angeles	1,500	0	0	0	0	0	0
6084	68861	12/12/2019 00:00:00	-	DANIELA CARDEN	DANIELA CARDENAS		Public Right-Of-Enf	501 N Custer AVE	Los Angeles Incident Closed	350	6	0	0	0	0	3
6085	68908	12/12/2019 00:00:00	15 - Joe Buscair	AUSTIN MILO	AUSTIN MILO	MICHEAL TRAP	Public Right-Of-Enf	1924 E 112th	ST Los Angeles 90059	0	0	0	0	0	0	0
6086	68838	12/12/2019 00:00:00	-	KIOGA QUIROZ	KIOGA QUIROZ		Public Right-Of-Enf	KITTRIDGE	Los Angeles 91335	3,000	0	40	0	0	0	40
6087	68645	12/12/2019 00:00:00	13 - Mitch O'Far	HOWARD WONG	DANIEL TRUONG	ANDY ZHANG	Homeless Encamp	441 N Virgil AVE	Los Angeles Incident Discont	0	0	0	0	0	0	0

PIMS_2020 Homeless Encampment Data (3) [Compatibility Mode] - Excel																
A1	CASE_ID															
#	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	CASE_ID	CASE_DATE	COUNCIL_DISTRICT	CALL_RECEIVED_BY	FIRST_RESPONDER	SECOND_RESPONDER	NATURE_OF_CALL	ADDRESS	RESOLUTION	SOLID_WASTE	FECES_LB	URINE_LI	NON_RCRA_PAINT_WAS	NON_RCRA_WASTE_O	NUMBER_OF_SHA	NUMBER_OF_DRUG_PARAPHREAS
2	79991	1/1/2020 0:00	-	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Er	9723 Telfair	A/Enforcement Action - Impoundm	0	0	0	0	0	0	0
3	70241	1/2/2020 0:00	-	SAMANTHA AREVAL	SAMANTHA AREVAL	CHIEN HU YUAN	Public Right-Of-Er	16101 W San F	Incident Closed	0	0	0	0	0	0	0
4	70095	1/2/2020 0:00	5 - Paul Koretz	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Er	2718 Military	/Enforcement Action - Impoundm	2000	15	35	20	80	3	1
5	70078	1/2/2020 0:00	6 - Nury Martinez	NEKPEN AMIUWU	ROMY BEATTIE	CHIEN HU YUAN	Homeless Encam	14524 W Wyandotte ST Los Angeles	91405	500	0	25	0	0	0	0
6	70159	1/2/2020 0:00	-	TIMI KURUVILLA	TIMI KURUVILLA		Public Right-Of-Er	8088 San F	Enforcement Action - Impoundm	50	0	20	0	0	0	0
7	70187	1/2/2020 0:00	-	RUBEN HERNANDEZ	STEPHANY CRUZ		Public Right-Of-Er	5790 W Jefferson Los Angeles	00000	0	0	0	0	0	0	0
8	70178	1/2/2020 0:00	11 - Mike Bonin	EDUARDO VALENCI	EDUARDO VALENCIA		Public Right-Of-Er	La Cienega Lor	Incident Closed	0	0	0	0	0	0	0
9	70165	1/2/2020 0:00	-	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Er	12244 Van Nuys BLVD Los Angeles	0000	120	0	0	0	30	0	0
10	70175	1/2/2020 0:00	7 - Monica Rodriguez	KIOGA QUIROZ	KIOGA QUIROZ	DANIEL TRUONG	Public Right-Of-Er	8651 FOOTHILL No Enforcement Action - Cleanu		2000	50	0	80	60	30	0
11	70161	1/2/2020 0:00	-	TIMI KURUVILLA	TIMI KURUVILLA		Public Right-Of-Er	10671 Loma S	No Enforcement Action - Cleanu	50	0	0	0	0	0	0
12	70195	1/2/2020 0:00	13 - Mitch O'Farrell	ROSALYN SARE	BERENICE ANGUIA	PHILIP PEDROSA	Public Right-Of-Er	5627 FERNWVC	Incident Closed	0	0	0	0	0	0	0
13	70232	1/2/2020 0:00	-	ALEXANDER NGUYE	ALEXANDER NGUY	BERNAD DANCEL	Public Right-Of-Er	4044 Eagle Ro	Incident Closed	150	0	0	0	0	0	0
14	70184	1/2/2020 0:00	-	KAREN SPENCER	KAREN SPENCER		Public Right-Of-Er	501 E Vernon /	Incident Closed	3330	0	0	0	0	15	0
15	70085	1/2/2020 0:00	9 - Curren D. Price, Jr	RUBEN HERNANDEZ	STEPHANY CRUZ		Homeless Encam	200 E 94th ST Full cleanup		8000	20	40	200	0	13	2
16	70188	1/2/2020 0:00	-	KAREN SPENCER	KAREN SPENCER		Public Right-Of-Er	3715 Main ST	Incident Closed	0	0	0	0	0	0	0
17	70199	1/2/2020 0:00	-	NEKPEN AMIUWU	SAMANTHA AREVALO		Public Right-Of-Er	10348 N Wood	Incident Closed	500	0	10	0	0	0	0
18	70160	1/2/2020 0:00	5 - Paul Koretz	RUBEN HERNANDEZ	GILBERTO CAMPO	DANIEL ESCORCIA	Public Right-Of-Er	10630 Santa M	Incident Closed	0	0	0	0	0	0	0
19	70171	1/2/2020 0:00	6 - Nury Martinez	NEKPEN AMIUWU	DANIEL HERNANDEZ	AREK ARZOUMANI	Public Right-Of-Er	8110 Webb Av	Enforcement Action - Impoundm	700	40	80	0	0	15	1
20	70081	1/2/2020 0:00	6 - Nury Martinez	NEKPEN AMIUWU	ROMY BEATTIE	CHIEN HU YUAN	Homeless Encam	14525 W Rayn	Incident Discontinued	0	0	0	0	0	0	0
21	70075	1/2/2020 0:00	6 - Nury Martinez	NEKPEN AMIUWU	ROMY BEATTIE	CHIEN HU YUAN	Homeless Encam	14701 W Bess	Incident Discontinued	0	0	0	0	0	0	0
22	70183	1/2/2020 0:00	11 - Mike Bonin	EDUARDO VALENCI	EDUARDO VALENCIA		Public Right-Of-Er	9376 Lincoln E	No Enforcement Action - Cleanu	200	0	0	0	0	0	0
23	70237	1/2/2020 0:00	-	SALVADOR ROSALE	STEPHANY CRUZ		Homeless Encam	Los Angeles S	Full cleanup	75	20	10	0	0	9	0
24	70231	1/2/2020 0:00	-	ALEXANDER NGUYE	ALEXANDER NGUY	BERNAD DANCEL	Public Right-Of-Er	3027 Eagle Ro	Incident Closed	20	0	0	0	0	0	0
25	70236	1/2/2020 0:00	-	SALVADOR ROSALE	STEPHANY CRUZ		Homeless Encam	200 N Spring S	Full cleanup	15	0	0	0	0	5	0
26	70189	1/2/2020 0:00	13 - Mitch O'Farrell	ROSALYN SARE	BERENICE ANGUIA	PHILIP PEDROSA	Public Right-Of-Er	1200 N VINE S	Incident Closed	0	0	0	0	0	0	0
27	70194	1/2/2020 0:00	13 - Mitch O'Farrell	ROSALYN SARE	BERENICE ANGUIA	PHILIP PEDROSA	Public Right-Of-Er	861 N VINE S	Incident Closed	0	0	0	0	0	0	0
28	70162	1/2/2020 0:00	5 - Paul Koretz	RUBEN HERNANDEZ	GILBERTO CAMPO	DANIEL ESCORCIA	Public Right-Of-Er	Pico BLVD Los Angeles	90035	300	0	0	0	0	0	0
29	70080	1/2/2020 0:00	-	RUBEN HERNANDEZ	STEPHANY CRUZ		Homeless Encam	341 W 61st ST	Incident Discontinued	0	0	0	0	0	0	0
30	70233	1/2/2020 0:00	-	ALEXANDER NGUYE	ALEXANDER NGUY	BERNAD DANCEL	Public Right-Of-Er	1524 El Paso E	Incident Closed	50	0	0	0	0	0	0
31	70210	1/2/2020 0:00	15 - Joe Buscaino	SARA GONZALEZ	DANIEL PEARLMAN		Public Right-Of-Er	Wilmington Los Angeles	90059	350	0	0	0	0	0	0
32	70093	1/2/2020 0:00	5 - Paul Koretz	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Er	3361 S Bagley	Enforcement Action - Impoundm	1000	15	35	0	0	30	1
33	70240	1/2/2020 0:00	-	SAMANTHA AREVAL	SAMANTHA AREVAL	CHIEN HU YUAN	Public Right-Of-Er	13400 N Missis	Incident Closed	0	0	0	0	0	0	0
34	70224	1/2/2020 0:00	4 - Nithya Raman	ROSALYN SARE	ALYSSA MIRELES		Public Right-Of-Er	LAWKERSHIM	No Enforcement Action - Cleanu	600	0	25	15	0	0	0
35	70096	1/2/2020 0:00	5 - Paul Koretz	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Er	Santa Monica E	Enforcement Action - Impoundm	1000	0	20	0	0	3	0
36	70223	1/2/2020 0:00	9 - Curren D. Price, Jr	RUBEN HERNANDEZ	STEPHANY CRUZ		Homeless Encam	52nd PL Los A	Full cleanup	3000	5	10	0	0	0	0
37	70174	1/2/2020 0:00	3 - Bob Blumenfeld	NEKPEN AMIUWU	ROMY BEATTIE	AARON FLORES	Public Right-Of-Er	Burbank BLVD No Enforcement Action - Cleanu		600	0	0	0	0	0	0
38	70205	1/2/2020 0:00	-	NEKPEN AMIUWU	NEKPEN AMIUWU		Public Right-Of-Er	18300 Cantlay ST Los Angeles	91335	300	0	0	0	200	0	0
39	70083	1/2/2020 0:00	9 - Curren D. Price, Jr	RUBEN HERNANDEZ	STEPHANY CRUZ		Homeless Encam	159 E Manche	Full cleanup	8000	0	0	0	0	0	0
40	70234	1/2/2020 0:00	-	ALEXANDER NGUYE	ALEXANDER NGUY	BERNAD DANCEL	Public Right-Of-Er	6200 N York E	Incident Closed	0	0	0	0	0	0	0
41	70169	1/2/2020 0:00	3 - Bob Blumenfeld	NEKPEN AMIUWU	ROMY BEATTIE	AARON FLORES	Public Right-Of-Er	18424 Clark S	Enforcement Action - Impoundm	500	40	0	0	0	5	0
42	70166	1/2/2020 0:00	-	ROBERTO RIVAS	ROBERTO RIVAS		Public Right-Of-Er	Bradley Los Angeles	0000	150	0	0	0	20	0	0
43	70191	1/2/2020 0:00	13 - Mitch O'Farrell	ROSALYN SARE	BERENICE ANGUIA	PHILIP PEDROSA	Public Right-Of-Er	6245 LEXINGT	Incident Closed	0	0	0	0	0	0	0

EXHIBIT 20



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1 message

Shayla R. Myers <SMyers@lafla.org>

Fri, Dec 18, 2020 at 5:21 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Sam Blake <sam.blake@kirkland.com>, Pui-Yee Yu <PYu@lafla.org>, Catherine Sweetser <catherine.sdshhh@gmail.com>

Counsel,

We have received the City's production and are in the process of reviewing it. One of the spreadsheets, CITY 20222 only contains data through 12/31/2019. The City previously agreed to produce this data through the present and the other two databases contained 2020 data.

We'd appreciate clarification today as to whether the City is withholding data or if this was an error. If we don't get clarification this evening, we'll presume the City is withholding the 2020 data based on its objections and seek court intervention for the rest of the data.

Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Shayla R. Myers <SMyers@lafla.org>

Sent: Friday, December 18, 2020 4:59 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Patricia,

In our RFPs, Plaintiffs explicitly requested the metadata for all responsive documents. Moreover, Rule 34 requires the production of documents as they are kept in the normal course. The initial production from the City in November and December 2019 was deficient on both of these accounts. We attempted to meet and confer about the form of production as early as possible, as required by Rule 26, to avoid exactly this situation. Instead, the City opted to produce the documents as massive PDFs without useable

metadata. Rule 34(b)(2)(E)(iii) is certainly not intended to allow a party to ignore other provisions of Rule 34 and then avoid fixing those errors by claiming it need not reproduce documents.

We are entitled to the requested metadata, but in the interest of obtaining this information as expediently as possible and without court intervention, we offered what we believe is a reasonable compromise. We look forward to hearing from you today if you are willing to provide these documents as requested. If not, we intend to raise this with the Court.

With regards to Mr. Haugabrook, we disagree with your statement that we were unable to provide a location where the cleanups occurred. We provided you that information in the Second Amended Complaint. In addition, we disagree with your characterization of the production of these "South LA" documents. While you view this as a courtesy, we consider this part of the City's discovery obligation in this case. We note that the City brought a motion for a more definite statement under Rule 8 of the Federal Rules of Civil Procedure, alleging that Mr. Haugabrook failed to provide sufficient details about his allegations. The District Court denied the motion, finding that Mr. Haugabrook had provided sufficient information for the City to investigate the claims. Plaintiffs in turn, are entitled to discovery related to those claims. We strongly disagree with the City's repeated assertion that these documents are the only documents related to cleanups conducted in "South LA" during March 2019, but we are entitled to the documents the City believes constitute the universe of these cleanups.

Also, this is the first time you have inquired whether any of the documents produced by the City relate to Mr. Haugabrook's claims. From our perspective, it is clear that the documents produced by the City do not form the basis for his claims, as they relate to cleanups that occurred nowhere near where Mr. Haugabrook alleges he was subjected to the City's unconstitutional practices.

We look forward to receiving documents consistent with the City's obligations under Rule 34.

Thanks,

Shayla Myers | Senior Attorney
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From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Friday, December 11, 2020 8:05 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We agree that rehashing the past is not productive and likewise wish to move forward with the litigation. We are hopeful that future correspondence from Plaintiffs will reflect this mutual goal and the City will be more than happy to also focus on the path ahead. We disagree with your characterization of the discovery owed to the City but in the spirit of moving forward, please see the following responses to discovery issues identified in your letter:

1. Format of initial production in November and December 2019. As we have said, our colleague Felix Lebron was primarily involved in the collection and production of these documents and as you know, he is on leave until next year so we have had to piece the history together as best as we can. Based on our investigation into this initial production, it is our understanding that most of the documents were delivered to our office in paper form. Subsequently, we were approved for e-discovery software and since then have collected documents electronically and have produced all documents in single page tiff or native, as appropriate. While we do not believe the City is required to re-produce documents in a different format (see FRCP Rule 34(b)(2)(E)(iii)), we are looking into the feasibility and burden of re-producing some or all of the cleanup-specific LASAN documents (watershed reports and photos) with metadata and hope to have an answer for you next week.

However, the City will not agree to reproduce as a matter of course the numerous documents included in its initial round of productions regarding various South LA watershed cleanups. As you know, the City produced those documents as a courtesy because Plaintiff Haugabrook was not able to identify the date and precise location of the alleged cleanup(s) that forms the basis of his claim, beyond the general location of South LA. To date, Plaintiffs have not informed us whether any of the cleanups in that production form the basis of Mr. Haugabrook's claim. We would be willing to reproduce specific cleanup documents from the South LA universe of documents if Mr. Haugabrook specifies the relevant cleanup(s), subject to the feasibility and burden analysis noted above.

2. Format of future productions. The City confirms that it will continue to produce documents in in single page tiff or native, as appropriate.

3. Further document productions. We have identified and reviewed additional documents responsive to Plaintiffs' requests, including organizational charts, job descriptions, tonnage reports, cleanup reports to the Mayor's Office, and powerpoint documents. These documents will be produced next week. We are continuing our investigation into what has been collected and what there may be left to collect; we will continue to review and produce as soon as possible on a rolling basis.

4. Plaintiff-specific assignment logs and authorizations. We do not know why such documents were not included in the City's prior productions but we can assure you that the City is not withholding any such documents. At this time, we do not know whether or to what extent such documents exist. If they exist, the City will produce them. We are waiting to hear back from LASAN on this and will produce any such documents as soon as we receive them.

5. LAPD body cam footage. We have put in an additional inquiry to LAPD regarding the body cam footage because we have not been able to get a clear picture of the history of this collection effort. We are aware that not all officers turn on their body cams in all instances, which may be the reason for the "missing" footage, but we want to make sure that nothing was overlooked during the initial collection. We hope to have further information on this next week and intend to produce any additional footage if such exists as soon as we receive it.

6. Databases. We have been informed that the database information we described in our November 19 email is on track for the December 18th date. It is our understanding from several sources that the three databases we have agreed to produce are the only databases that house cleanup information but we have asked additional LASAN employees for further confirmation and await their responses, which we will share with you upon receipt.

7. Emails. We understand that the requested LAPD emails will be uploaded to our e-discovery software this weekend and we intend to begin review of them next week. Once we have a better understanding of the document numbers and hit rate, we will let you know to what extent we believe the universe of documents for review should be limited in an attempt to eliminate false hits. We have put in a request to IT for LASAN and UHRC documents but do not have an estimated time of completion yet. Regarding CD staff members, we have made some progress but do not yet have a list of staff members that might be appropriate custodians. We are diligently working on this and will get back to you in the next week or so with an update.

We continue to work on these and the handful of other issues identified in your letter and will update you on a rolling basis as we learn additional information.

Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012

Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Dec 11, 2020 at 3:20 PM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 direct | 213.640.3988 facsimile
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>
Sent: Thursday, December 10, 2020 10:40 PM
To: Shayla R. Myers <SMyers@lafla.org>
Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>
Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney

who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbing accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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numbers and passwords, to the City via ordinary (unencrypted) e-mail.

On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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www.lafla.org | smyers@lafla.org



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EXHIBIT 21



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Mon, Dec 21, 2020 at 11:35 AM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Sam Blake <sam.blake@kirkland.com>, Pui-Yee Yu <PYu@lafla.org>, Catherine Sweetser <catherine.sdshhh@gmail.com>, Justin Grams <justin.grams@lacity.org>

Thank you for bringing this to our attention. Per our meet-and-confer agreements, without waiving our relevance and other objections, we did and do not intend to withhold the 2020 data. It appears there was an internal miscommunication about the date range of these reports. The 2020 reports are being pulled and we will produce them as soon as we get them, which we understand will be early next week.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Dec 18, 2020 at 5:21 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have received the City's production and are in the process of reviewing it. One of the spreadsheets, CITY 20222 only contains data through 12/31/2019. The City previously agreed to produce this data through the present and the other two databases contained 2020 data.

We'd appreciate clarification today as to whether the City is withholding data or if this was an error. If we don't get clarification this evening, we'll presume the City is withholding the 2020 data based on its objections and seek court intervention for the rest of the data.

Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Shayla R. Myers <SMyers@lafla.org>

Sent: Friday, December 18, 2020 4:59 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Patricia,

In our RFPs, Plaintiffs explicitly requested the metadata for all responsive documents. Moreover, Rule 34 requires the production of documents as they are kept in the normal course. The initial production from the City in November and December 2019 was deficient on both of these accounts. We attempted to meet and confer about the form of production as early as possible, as required by Rule 26, to avoid exactly this situation. Instead, the City opted to produce the documents as massive PDFs without useable metadata. Rule 34(b)(2)(E)(iii) is certainly not intended to allow a party to ignore other provisions of Rule 34 and then avoid fixing those errors by claiming it need not reproduce documents.

We are entitled to the requested metadata, but in the interest of obtaining this information as expediently as possible and without court intervention, we offered what we believe is a reasonable compromise. We look forward to hearing from you today if you are willing to provide these documents as requested. If not, we intend to raise this with the Court.

With regards to Mr. Haugabrook, we disagree with your statement that we were unable to provide a location where the cleanups occurred. We provided you that information in the Second Amended Complaint. In addition, we disagree with your characterization of the production of these "South LA" documents. While you view this as a courtesy, we consider this part of the City's discovery obligation in this case. We note that the City brought a motion for a more definite statement under Rule 8 of the Federal Rules of Civil Procedure, alleging that Mr. Haugabrook failed to provide sufficient details about his allegations. The District Court denied the motion, finding that Mr. Haugabrook had provided sufficient information for the City to investigate the claims. Plaintiffs in turn, are entitled to discovery related to those claims. We strongly disagree with the City's repeated assertion that these documents are the only documents related to cleanups conducted in "South LA" during March 2019, but we are entitled to the documents the City believes constitute the universe of these cleanups.

Also, this is the first time you have inquired whether any of the documents produced by the City relate to Mr. Haugabrook's claims. From our perspective, it is clear that the documents produced by the City do not form the basis for his claims, as they relate to cleanups that occurred nowhere near where Mr. Haugabrook alleges he was subjected to the City's unconstitutional practices.

We look forward to receiving documents consistent with the City's obligations under Rule 34.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003

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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 11, 2020 8:05 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We agree that rehashing the past is not productive and likewise wish to move forward with the litigation. We are hopeful that future correspondence from Plaintiffs will reflect this mutual goal and the City will be more than happy to also focus on the path ahead. We disagree with your characterization of the discovery owed to the City but in the spirit of moving forward, please see the following responses to discovery issues identified in your letter:

1. Format of initial production in November and December 2019. As we have said, our colleague Felix Lebron was primarily involved in the collection and production of these documents and as you know, he is on leave until next year so we have had to piece the history together as best as we can. Based on our investigation into this initial production, it is our understanding that most of the documents were delivered to our office in paper form. Subsequently, we were approved for e-discovery software and since then have collected documents electronically and have produced all documents in single page tiff or native, as appropriate. While we do not believe the City is required to re-produce documents in a different format (see FRCP Rule 34(b)(2)(E)(iii)), we are looking into the feasibility and burden of re-producing some or all of the cleanup-specific LASAN documents (watershed reports and photos) with metadata and hope to have an answer for you next week.

However, the City will not agree to reproduce as a matter of course the numerous documents included in its initial round of productions regarding various South LA watershed cleanups. As you know, the City produced those documents as a courtesy because Plaintiff Haugabrook was not able to identify the date and precise location of the alleged cleanup(s) that forms the basis of his claim, beyond the general location of South LA. To date, Plaintiffs have not informed us whether any of the cleanups in that production form the basis of Mr. Haugabrook's claim. We would be willing to reproduce specific cleanup documents from the South LA universe of documents if Mr. Haugabrook specifies the relevant cleanup(s), subject to the feasibility and burden analysis noted above.

2. Format of future productions. The City confirms that it will continue to produce documents in in single page tiff or native, as appropriate.

3. Further document productions. We have identified and reviewed additional documents responsive to Plaintiffs' requests, including organizational charts, job descriptions, tonnage reports, cleanup reports to the Mayor's Office, and powerpoint documents. These documents will be produced next week. We are continuing our investigation into what has been collected and what there may be left to collect; we will continue to review and produce as soon as possible on a rolling basis.

4. Plaintiff-specific assignment logs and authorizations. We do not know why such documents were not included in the City's prior productions but we can assure you that the City is not withholding any such documents. At this time, we do not know whether or to what extent such documents exist. If they exist, the City will produce them. We are waiting to hear back from LASAN on this and will produce any such documents as soon as we receive them.

5. LAPD body cam footage. We have put in an additional inquiry to LAPD regarding the body cam footage because we have not been able to get a clear picture of the history of this collection effort. We are aware that not all officers turn on their body cams in all instances, which may be the reason for the "missing" footage, but we want to make sure that nothing was overlooked during the initial collection. We hope to have further information on this next week and intend to produce any additional footage if such exists as soon as we receive it.

6. Databases. We have been informed that the database information we described in our November 19 email is on track for the December 18th date. It is our understanding from several sources that the three databases we have agreed to produce are the only databases that house cleanup information but we have asked additional LASAN employees for further confirmation and await their responses, which we will share with you upon receipt.

7. Emails. We understand that the requested LAPD emails will be uploaded to our e-discovery software this weekend and we intend to begin review of them next week. Once we have a better understanding of the document numbers and hit rate, we will let you know to what extent we believe the universe of documents for review should be limited in an attempt to eliminate false hits. We have put in a request to IT for LASAN and UHRC documents but do not have an estimated time of completion yet. Regarding CD staff members, we have made some progress but do not yet have a list of staff members that might be appropriate custodians. We are diligently working on this and will get back to you in the next week or so with an update.

We continue to work on these and the handful of other issues identified in your letter and will update you on a rolling basis as we learn additional information.

Thank you.

Patricia

Patricia Ursea
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On Fri, Dec 11, 2020 at 3:20 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney

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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, December 10, 2020 10:40 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbying accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT

to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
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From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
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Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafila.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
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CRM 518-04-00785-002-617

EXHIBIT 22



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Tue, Dec 29, 2020 at 12:15 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, "Herbert, Benjamin Allen" <benjamin.herbert@kirkland.com>, Sam Blake <sam.blake@kirkland.com>, Pui-Yee Yu <PYu@lafla.org>, Catherine Sweetser <catherine.sdshhh@gmail.com>

Counsel:

This email follows up on the status of the City's document production and issues discussed in Plaintiffs' meet-and-confer letters of November 19 and December 4, 2020 and our emails below. The City continues to reserve its objections as to these documents, including on relevance and proportionality grounds, and reiterates that it has agreed to produce these documents in the spirit of compromise and an effort to move the litigation forward.

AMS database: All electronically exportable data 1/1/18 to the end of 2019 was produced on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020221 - CTY020221. The 2020 data was not produced at that time due to an oversight and will be produced within the next few days.

PIMS database: All electronically exportable data 1/1/18 to the end of 2019 was produced on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020222 - CTY020222. The 2020 data was not produced at that time due to an oversight and will be produced within the next few days.

MyLA 311 Database: All electronically exportable data from 1/1/18 to the present, except contact information of the requestor to preserve confidentiality, was produced on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020223 - CTY020223.

Government Claims: The City produced all of the responsive claims that were located in the CityLaw database on 12/18/20. See Load File Garcia 0006, Bates Nos. CTY020224 -CTY020305.

As we noted in prior emails and meet-and-confer calls, the claims database does not permit boolean, proximity, or similar searches. The system permits up to three "and" search terms to be entered at a time but it functions best if one search term is entered at a time. Claims that have been submitted in paper form or uploaded as PDF attachments for any other reason are not searchable electronically and would need to be pulled individually and reviewed manually. The system allows restriction parameters to be set -- in relevant part, date of claim, type of claim, and department -- but none of those restrictions were used in conducting these searches so that the widest possible search net was cast.

The following search terms were run across the entire database. The results of these searches, approximately 1200 hits, were reviewed and responsive claims were produced:

cleanup
clean-up
ceaning
sweep
homeless
unhoused
sanitation
LASAN

bulky
56.11
destroy
destruction
encampment
dump
couch
pallet
cart
care+
hope
tent
trash
care

Plaintiff-specific files with metadata:

As we stated in our December 23, 2020 email, LASAN is pulling the electronic versions of the Plaintiff-specific reports and related documents, as well as the South Los Angeles documents included in the City's original productions, and the City will reproduce those documents with metadata intact. In addition, we have requested that LASAN double check to make sure it has collected all relevant Plaintiff-specific documents, including any scheduling documents and authorizations. The City will produce those documents on a rolling basis as we obtain them.

Body-cam footage:

As we stated in our emails of December 15 and 23, 2020, the City has produced all the body-cam footage it has located for the dates and locations specified in the complaint. The City is not withholding any footage related to those dates and locations. In our December 23rd email, we provided a chart correlating the body-cam files with the relevant officers' names and incident dates as well as an explanation of how the files were identified and collected.

Other specific categories of documents:

- Additional powerpoint presentations were produced on 12/16/20 and 12/23/20. See Load File Garcia 005, Bates Nos. CTY019334-CTY019480 and Load File Garcia 007, Bates Nos. CTY020306-CTY020312.
- Additional organizational charts were produced on 12/16/20 and 12/18/20. See Load File Garcia 005, Bates Nos. CTY013340, CTY015455 - CTY015487, CTY015504, and CTY018896, and Load File 006, Bates No. CTY019503.
- Additional data regarding tonnage reports and encampment cleanups, including cleanup reports to the Mayor's Office, were produced on 12/16/20 and 12/18/20. See Load File Garcia 005, Bates Nos. CTY016067- CTY018873, and Load File 006, Bates Nos. CTY019504 -CTY020209.
- Additional job descriptions were produced on 12/16/20. See Load File Garcia 005, Bates Nos. Bates Nos. CTY018874-018900.

We are still working on the other categories of documents Plaintiffs requested, including police complaints, RFCs, and email communications, and will get back to you on these as soon as we can.

Best wishes for the New Year,

Patricia

Patricia Ursea

Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
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(213) 978-7569

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On Fri, Dec 18, 2020 at 5:21 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have received the City's production and are in the process of reviewing it. One of the spreadsheets, CITY 20222 only contains data through 12/31/2019. The City previously agreed to produce this data through the present and the other two databases contained 2020 data.

We'd appreciate clarification today as to whether the City is withholding data or if this was an error. If we don't get clarification this evening, we'll presume the City is withholding the 2020 data based on its objections and seek court intervention for the rest of the data.

Thanks,

Shayla

Shayla Myers | Senior Attorney
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From: Shayla R. Myers <SMyers@lafla.org>

Sent: Friday, December 18, 2020 4:59 PM

To: Patricia Ursea <patricia.ursea@lacity.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Patricia,

In our RFPs, Plaintiffs explicitly requested the metadata for all responsive documents. Moreover, Rule 34 requires the production of documents as they are kept in the normal course. The initial production from the City in November and December 2019 was deficient on both of these accounts. We attempted to meet and confer about the form of production as early as possible, as required by Rule 26, to avoid

exactly this situation. Instead, the City opted to produce the documents as massive PDFs without useable metadata. Rule 34(b)(2)(E)(iii) is certainly not intended to allow a party to ignore other provisions of Rule 34 and then avoid fixing those errors by claiming it need not reproduce documents.

We are entitled to the requested metadata, but in the interest of obtaining this information as expediently as possible and without court intervention, we offered what we believe is a reasonable compromise. We look forward to hearing from you today if you are willing to provide these documents as requested. If not, we intend to raise this with the Court.

With regards to Mr. Haugabrook, we disagree with your statement that we were unable to provide a location where the cleanups occurred. We provided you that information in the Second Amended Complaint. In addition, we disagree with your characterization of the production of these "South LA" documents. While you view this as a courtesy, we consider this part of the City's discovery obligation in this case. We note that the City brought a motion for a more definite statement under Rule 8 of the Federal Rules of Civil Procedure, alleging that Mr. Haugabrook failed to provide sufficient details about his allegations. The District Court denied the motion, finding that Mr. Haugabrook had provided sufficient information for the City to investigate the claims. Plaintiffs in turn, are entitled to discovery related to those claims. We strongly disagree with the City's repeated assertion that these documents are the only documents related to cleanups conducted in "South LA" during March 2019, but we are entitled to the documents the City believes constitute the universe of these cleanups.

Also, this is the first time you have inquired whether any of the documents produced by the City relate to Mr. Haugabrook's claims. From our perspective, it is clear that the documents produced by the City do not form the basis for his claims, as they relate to cleanups that occurred nowhere near where Mr. Haugabrook alleges he was subjected to the City's unconstitutional practices.

We look forward to receiving documents consistent with the City's obligations under Rule 34.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, December 11, 2020 8:05 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>; Catherine Sweetser <catherine.sdshhh@gmail.com>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We agree that rehashing the past is not productive and likewise wish to move forward with the litigation. We are hopeful that future correspondence from Plaintiffs will reflect this mutual goal and the City will be more than happy to

also focus on the path ahead. We disagree with your characterization of the discovery owed to the City but in the spirit of moving forward, please see the following responses to discovery issues identified in your letter:

1. Format of initial production in November and December 2019. As we have said, our colleague Felix Lebron was primarily involved in the collection and production of these documents and as you know, he is on leave until next year so we have had to piece the history together as best as we can. Based on our investigation into this initial production, it is our understanding that most of the documents were delivered to our office in paper form. Subsequently, we were approved for e-discovery software and since then have collected documents electronically and have produced all documents in single page tiff or native, as appropriate. While we do not believe the City is required to re-produce documents in a different format (see FRCP Rule 34(b)(2)(E)(iii)), we are looking into the feasibility and burden of re-producing some or all of the cleanup-specific LASAN documents (watershed reports and photos) with metadata and hope to have an answer for you next week.

However, the City will not agree to reproduce as a matter of course the numerous documents included in its initial round of productions regarding various South LA watershed cleanups. As you know, the City produced those documents as a courtesy because Plaintiff Haugabrook was not able to identify the date and precise location of the alleged cleanup(s) that forms the basis of his claim, beyond the general location of South LA. To date, Plaintiffs have not informed us whether any of the cleanups in that production form the basis of Mr. Haugabrook's claim. We would be willing to reproduce specific cleanup documents from the South LA universe of documents if Mr. Haugabrook specifies the relevant cleanup(s), subject to the feasibility and burden analysis noted above.

2. Format of future productions. The City confirms that it will continue to produce documents in in single page tiff or native, as appropriate.

3. Further document productions. We have identified and reviewed additional documents responsive to Plaintiffs' requests, including organizational charts, job descriptions, tonnage reports, cleanup reports to the Mayor's Office, and powerpoint documents. These documents will be produced next week. We are continuing our investigation into what has been collected and what there may be left to collect; we will continue to review and produce as soon as possible on a rolling basis.

4. Plaintiff-specific assignment logs and authorizations. We do not know why such documents were not included in the City's prior productions but we can assure you that the City is not withholding any such documents. At this time, we do not know whether or to what extent such documents exist. If they exist, the City will produce them. We are waiting to hear back from LASAN on this and will produce any such documents as soon as we receive them.

5. LAPD body cam footage. We have put in an additional inquiry to LAPD regarding the body cam footage because we have not been able to get a clear picture of the history of this collection effort. We are aware that not all officers turn on their body cams in all instances, which may be the reason for the "missing" footage, but we want to make sure that nothing was overlooked during the initial collection. We hope to have further information on this next week and intend to produce any additional footage if such exists as soon as we receive it.

6. Databases. We have been informed that the database information we described in our November 19 email is on track for the December 18th date. It is our understanding from several sources that the three databases we have agreed to produce are the only databases that house cleanup information but we have asked additional LASAN employees for further confirmation and await their responses, which we will share with you upon receipt.

7. Emails. We understand that the requested LAPD emails will be uploaded to our e-discovery software this weekend and we intend to begin review of them next week. Once we have a better understanding of the document numbers and hit rate, we will let you know to what extent we believe the universe of documents for review should be limited in an attempt to eliminate false hits. We have put in a request to IT for LASAN and UHRC documents but do not yet have an estimated time of completion yet. Regarding CD staff members, we have made some progress but do not yet have a list of staff members that might be appropriate custodians. We are diligently working on this and will get back to you in the next week or so with an update.

We continue to work on these and the handful of other issues identified in your letter and will update you on a rolling basis as we learn additional information.

Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East

200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
(213) 978-7569

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On Fri, Dec 11, 2020 at 3:20 PM Shayla R. Myers <SMyers@lafla.org> wrote:
Counsel,

While we disagree with your latest email, we still don't see the value of correcting the City's misrepresentations or rehashing the last 16 months of our efforts to obtain basic documents responsive to our requests. The record speaks for itself, and our only interest at this point is obtaining documents necessary to move this litigation forward.

With regards to Plaintiffs' responses to Defendants' discovery, as you know, those issues are being addressed in a separate line of communication. The inclusion of those issues here seems calculated only to muddy the record, particularly because your representation of the status of our responses is disingenuous at best. Plaintiffs have in fact responded to all 16 sets of discovery propounded by the City. What the City awaits is supplemental responses and additional documents, which we will continue to address separately.

We look forward to receiving your substantive responses today regarding Defendants' outstanding production. It remains, as always, our hope that it will narrow the issues about which we need to seek court intervention.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, December 10, 2020 10:40 PM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel:

We are in receipt of your letter and contrary to your assertions, we have responded to many of the issues identified in the letter in our emails of November 19 and December 1, 4, 7 and 8. Also, we have not "refused" to produce anything or engage in any further meet and confer efforts, as you contend in the letter. Instead, we continue to work on resolving the remaining issues, which, as we have explained, have required additional time to track down because the attorney who had been investigating those issues has been out of leave and unexpectedly will remain on leave until the new year. We are working diligently and as fast as we can to track down the history of the investigation performed by our colleague and determine whom to contact and how to most efficiently proceed to produce the massive amounts of data Plaintiffs seek.

We had a small team to begin with and we are now one attorney short. When Plaintiffs' much-larger counsel team asked for repeated extensions of time to respond to discovery due to issues that arose on your end, we granted the extensions without question, despite the fact the discovery was undeniably straightforward, such as interrogatories asking "what property do you allege has been taken" and "what damages are you asserting." In fact, we still await responses and documents for such discovery, which the City propounded in August, some of which have not been responded to at all. But we do not write lengthy letters lobbing accusations or insist that Plaintiffs produce the discovery immediately. Instead, we have respectfully reminded Plaintiffs of their discovery commitments in email, which to date remain unresponded to and outstanding.

Your letter does not help to move the ball forward. It raises no new issues but merely repeats--and often misrepresents--issues that we have already discussed, many of which we have addressed or are in the process of addressing. I'm sure you can appreciate how long it takes to respond to the litany of representations and accusations made in such a letter, particularly given that the attorney with the most knowledge on these issues is not available to help us with the required history and context. We would much rather spend that time tracking down custodians and documents and reviewing documents for production but the record you are attempting to establish with such letters is inaccurate and one-sided, so we must take that time to respond instead.

As we have stated repeatedly, we disagree that the City-wide multiple-year discovery Plaintiffs seek is necessary for Plaintiffs' case but nevertheless we have attempted to reach a compromise and agreed to produce much of the data requested, much of which we intend to produce in the following week or so. But it is clear that nothing the City does in discovery satisfies Plaintiffs. The City voluntarily produced hundreds of documents before it was required to do so under the Rules, which was confirmed by the Magistrate; Plaintiffs now complain the production was in an undesirable format, though no format had been requested or agreed to at the time. Plaintiffs, meanwhile, did not produce a single document voluntarily and even now resist producing documents in response to RFPs. The City produced hundreds of pages of training materials but Plaintiffs now complain that some unidentified "powerpoint presentations" are missing. We are looking for those. The City produced numerous organizational charts but Plaintiffs complain that one organizational chart, which you stated on our meet-and-confer call Plaintiffs have already acquired from different sources, was not yet produced and imply that the City must be withholding org charts in an attempt to obfuscate and delay. We are double checking where our colleague left off with the task of collecting org charts and related information but we assure you, again, that we are not withholding and do not intend to withhold org charts or any other non-privileged documents responsive to Plaintiffs' requests that we have collected. When we offered to negotiate alternate search terms to the plainly common terms "hope" and "care" in the 40+ custodians Plaintiffs request years of communications from, we were again accused of delay. We have now asked IT to run the search terms Plaintiffs provided -- many months after they were invited to do so -- even though we are all but certain they will result in an overbroad universe of documents with many false hits.

We intend to send a further response to your letter tomorrow once we obtain some additional information. We also aim to get an additional production of documents we have identified to you in the next few days once we have had a chance to complete our review. In the meantime, if Plaintiffs could focus their efforts on responding to the discovery propounded by the City in August, we would appreciate it. The City, too, would like to avoid unnecessary discovery motion practice.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
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Patricia.Ursea@lacity.org
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On Wed, Dec 9, 2020 at 1:32 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

Attached please find correspondence regarding Plaintiffs' Requests for Production of Documents, Set One.

Thanks,

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Friday, November 13, 2020 10:58 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1:00pm on Monday works for us. Thank you.

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
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On Fri, Nov 13, 2020 at 8:42 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Our team is available on Monday afternoon at 1:00. Please confirm that time, and we can circulate a call-in number. Thanks,

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
7000 S. Broadway | Los Angeles, CA 90003
213.640.3983 **direct** | 213.640.3988 **facsimile**
www.lafla.org | smyers@lafla.org



From: Patricia Ursea <patricia.ursea@lacity.org>

Sent: Thursday, November 12, 2020 9:44 AM

To: Shayla R. Myers <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>; Gabriel Dermer <gabriel.dermer@lacity.org>; Herbert, Benjamin Allen <benjamin.herbert@kirkland.com>; Sam Blake <sam.blake@kirkland.com>; Pui-Yee Yu <PYu@lafla.org>

Subject: Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

Counsel,

We are available on Monday 10am to 12:00 and after 1pm. Do any of those times work for you?

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
Patricia.Ursea@lacity.org
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On Tue, Nov 10, 2020 at 9:22 AM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have reviewed the City's amended responses to Plaintiffs' RFPs, as well as the most recent production of documents response to those RFPs. While the written amendments do not address the issues we previously raised, you did identify a number of issues about which the City is now willing to meet and confer.

Please let us know if you are available for a call this Friday, November 13, 2020 to have that discussion. We can make our team available any time after 12:00 p.m.

Thank you.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
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www.lafla.org | smyers@lafla.org



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EXHIBIT 23



Patricia Ursea <patricia.ursea@lacity.org>

Re: Garcia v. City of Los Angeles-further meet and confer re: City's responses to Plaintiffs' RFPs, Set One

1 message

Patricia Ursea <patricia.ursea@lacity.org>

Tue, Mar 2, 2021 at 3:35 PM

To: "Shayla R. Myers" <SMyers@lafla.org>

Cc: Felix Lebron <felix.lebron@lacity.org>, Gabriel Dermer <gabriel.dermer@lacity.org>, "Herbert, Benjamin Allen"

<benjamin.herbert@kirkland.com>, Sam Blake <sam.blake@kirkland.com>, Catherine Sweetser

<catherine.sdshhh@gmail.com>, Justin Grams <justin.grams@lacity.org>

Counsel,

Our e-discovery vendor is working on the City's next production, largely comprising LAPD emails, which should go out today or tomorrow. The LAPD custodians and search terms (provided by Plaintiffs and noted again below) resulted in 70,623 documents after deduplication (approximately 32 GB of raw data). We are over halfway through with the review and the City will be producing responsive documents over the next few weeks as quickly as possible.

In addition, on February 18, 2021, the City's IT department completed pulling documents from 29 custodians from (LASAN and UHRC) identified by Plaintiff and delivered them to the e-discovery vendor. This collection totaled approximately 250GB of raw data, which significantly exceeded the storage limit in the City's contract with the vendor and required the City to purchase additional storage. The additional storage space became available on March 1, 2021, and the vendor is in the process of ingesting the new data.

As memorialized in various emails, including on December 4th and 7th, the City agreed to the search the custodians and broad search terms provided by Plaintiff as an initial step and if the resulting universe of documents was unreasonably large, the parties would meet and confer about how to further limit it. That is undoubtedly the next step here. While we won't have precise numbers until the data is ingested and deduplicated, if the LAPD dataset is any guide, this new dataset likely contains over half a million documents. Once the documents are ingested and deduplicated, we will assess the data and meet-and-confer about ways to make the review manageable and proportional to the needs of the case.

Below are the LAPD custodians and search terms that were used, all with the same date range 01/01/2018 - 12/02/20:

Custodian	Search Terms
Jerald Case Werner Flores Marya Mason Adrian Maxwell	56.11
Frank Lopez (Francisco)	Lomita McCoy 56.11
Kevin Quyen Chung Marc J. Mahlknecht Kevin W. Cottle Won Yong Kim	56.11 notice "immediate threat" hazard "the BIN" "507 Towne" Chrysalis Storage
Dominic Choi Donald Graham Emada Tingirides	56.11 "rapid response" HOPE

CARE

Best,

Patricia

Patricia Ursea
Deputy City Attorney, City of Los Angeles
Business & Complex Litigation
City Hall East
200 N. Main Street, 6th Floor
Los Angeles, California 90012
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On Tue, Feb 16, 2021 at 12:05 PM Shayla R. Myers <SMyers@lafla.org> wrote:

Counsel,

We have not heard back from the City in over two months regarding the production of emails responsive to the RFPs we served in July. The City indicated in December, more than two months ago, that it had been provided emails from the LAPD responsive to our request, and yet the City has, to date produced only a handful of emails and had not updated Plaintiffs about the status of production or attempted to meet and confer about the search terms.

We would note that our agreement to use search terms for responsive documents was predicated on a good faith understanding that the City would confer about search terms and custodians and that the documents would be produced in a reasonable time frame, relative to the deadlines in this case. Yet since we provided the search terms in December, the City has provided no additional information and has ignored our request for an update on the status of production.

While the parties sought and received an extension to engage in discovery, this does not mean we have unlimited time for the City to produce emails responsive to our request. Please let us know the status of the production of emails. We also request you provide us the list of custodians used to search for responsive emails.

We look forward to your response.

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
Pronouns: *she/her*
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CPK: 578-CA-00785-022-147 00000004 125-0 111180 1394 0900137 1496 130 14 372 1496 10

EXHIBIT 24

Shayla Myers, SBN 264054
Mallory Andrews, SBN 312209
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Email(s): smyers@lafla.org
mbandrews@lafla.org

*Attorneys for Plaintiffs,
Gladys Zepeda, Miriam Zamora,
Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All.*

[Additional Attorneys on Next Page]

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

JANET GARCIA, et at.,

Plaintiff(s),

vs.

CITY OF LOS ANGELES, et al.,

Defendant(s).

) CASE NO. 2:19-cv-06182-DSF-PLA
) *Assigned to Honorable Dale S. Fischer*
) **PLAINTIFFS' NOTICE OF**
) **ISSUANCE OF SUBPOENA FOR**
) **THE PRODUCTION OF**
) **DOCUMENTS, INFORMATION**
) **OR DOCUMENTS TO THE**
) **CHRYSLIS CENTER**
) **New Date: January 6, 2021**
) **Time: 5:00 p.m.**
) **Location: Schonbrun Seplow Harris**
) **Hoffman & Zeldes LLP**
) **11543 W. Olympic Blvd,**
) **Los Angeles, CA 90064**

1 Catherine Sweetser, SBN 271142
2 Kristina Harootun, SBN 308718
3 John Washington, SBN 315991
4 **SCHONBRUN SEPLOW HARRIS**
5 **HOFFMAN & ZELDES LLP**
6 11543 West Olympic Blvd.
7 Los Angeles, CA 90064
8 Telephone: (310) 396-0731
9 Email: csweetser@sshhzlaw.com
10 kharootun@sshhzlaw.com
11 jwashington@sshhzlaw.com

12 *Attorneys for Plaintiffs.*

13 Benjamin A. Herbert, SBN 277356
14 William L. Smith, SBN 324235
15 **KIRKLAND & ELLIS LLP**
16 555 South Flower Street
17 Los Angeles, CA 90071
18 Telephone: (213) 680 8400
19 Email: benjamin.herbert@kirkland.com
20 william.smith@kirkland.com

21 Michael Onufer, SBN 300903
22 **KIRKLAND & ELLIS LLP**
23 2049 Century Park East
24 Los Angeles, CA 90067
25 Telephone: (310) 552-4200
26 Email: michael.onufer@kirkland.com

27 *Attorneys for Plaintiffs,*
28 *Ktown for All, Janet Garcia, Peter Diocson Jr.,*
Marquis Ashley, and Ali El-Bey.

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of
3 Civil Procedure, Plaintiffs have issued a subpoena to produce documents, information,
4 or objects to the Custodian of Records for THE CHRYSALIS CENTER. A true and
5 correct copy of the subpoena is attached hereto as **Exhibit 1**.

6
7 Dated: December 8, 2020

**SCHONBRUN SEPLOW HARRIS
HOFFMAN & ZELDES LLP**

9 By: /s/ Catherine Sweetser

10 Catherine Sweetser

11 *Attorney for Plaintiffs.*
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EXHIBIT 1

UNITED STATES DISTRICT COURT

for the
Central District of California

JANET GARCIA, ET AL.

Plaintiff

v.

CITY OF LOS ANGELES

Defendant

Civil Action No. 2:19-CV-06182-DSF-PLA

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Custodian of Records for THE CHRYSALIS CENTER

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Please see attachment A.

Place: Schonbrun Seplow Harris Hoffman & Zeldes LLP
11543 West Olympic Blvd.
Los Angeles, CA 90064

Date and Time:

01/06/2021 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/08/2020

#1285

Case 2:19-cv-06182-DSF-PLA Document 155-2 Filed 01/06/21 Page 5 of 32 Page ID

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Catherine E. Sweetser

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* PLAINTIFFS GARCIA, ET AL., who issues or requests this subpoena, are:

Catherine E. Sweetser, 11543 West Olympic Blvd., Los Angeles, CA 90064; csweetser@sshzlaw.com; (310) 396-0731

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Attachment A

Definitions

DOCUMENT is defined to be synonymous and equal in scope to usage of this term in Fed. R. Civ. P. 34(a). A copy or duplicate of a document which has any non-conforming notes, marginal annotations, or other markings, and any preliminary version, draft, or revision of the foregoing is a separate document within the meaning of this term. Documents include, by way of example only, any memorandum, letter, envelope, correspondence, electronic mail, report, note, Post-It, message, telephone message, telephone log, diary, journal, appointment calendar, calendar, group scheduler calendar, drawing, painting, photograph, accounting paper, minutes, working paper, financial report, accounting report, work papers, drafts, facsimile, report, contract, invoice, record of purchase or sale, Teletype message, chart, graph, index, directory, computer directory, computer disk, computer tape, or any other written, printed, typed, punched, taped, filmed, or graphic matter however produced or reproduced. Documents also include the file, folder tabs, and labels appended to or containing any documents. Document is to be interpreted in the broadest possible sense and includes any document in your possession, custody, or control.

CITY refers to the City of Los Angeles and any department, organization, agency, employee, or agent of the City of Los Angeles.

COMMUNICATIONS means and includes every means of transmitting information from one person or organization to another that results in the creation of a DOCUMENT, paper or electronic, including but not limited to letters, memorandum, notes, email, facsimile transmissions, work orders, videotape, calendars, texts, IMs, and day planners.

ENCAMPMENT CLEANUPS means any cleanup of a homeless encampment conducted by the CITY, including the Los Angeles Bureau of Public Works, Department of Sanitation (LA Sanitation), Bureau of Street Services, Los Angeles

1 Police Department (LAPD), or any other department, contractor, agent or employee,
2 and includes without limitation, cleanups conducted as part of Clean Streets LA,
3 Operation Healthy Streets, at the direction of or behalf of any one of the 15 council
4 offices/districts in the CITY, Rapid Response, HOPE team, CARE, and CARE+.

5 MANDATORY STORAGE refers to the storage of property seized by the
6 CITY and transferred to Chrysalis to hold for 90 days. This term does not include
7 property that is stored voluntarily by unhoused individuals at The BIN or any other
8 location operated by Chrysalis or any property that was stored voluntarily by
9 unhoused individuals and remains after the 7 day reservation has expired and is held
10 for 90 days before it is destroyed.

11 LAHSA refers to the Los Angeles Homelessness Services Authority.

12 STORAGE FACILITY means any facility operated by CHRYSALIS, that is
13 used to store property that is seized, taken, or otherwise obtained by the CITY from
14 individuals, as part of an ENCAMPMENT CLEANUP, or other cleanup.

15 VOLUNTARY STORAGE refers to any program operated by CHRYSALIS in
16 which unhoused individuals can voluntarily store belongings.

17 The relevant time period for the documents requested, unless otherwise
18 indicated, is from January 1, 2018 to the present.

19 **FORM OF PRODUCTION**

20 Plaintiffs request that any Electronically Stored Information (“ESI”) be
21 produced in the following format, except as outlined below: single page TIFFs,
22 searchable Unicode Text Files, an Unicode delimited searchable metadata file (.dat
23 file), and an image load file that can be loaded into commercially, acceptable
24 production software (e.g., Relativity).

25 We request the following documents be produced in native format with all
26 metadata intact: 1) documents that are substantially different when viewed in native
27 form rather than image form; 2) documents that are substantially easier to view in
28 native form than image form; or 3) documents where the production of a TIFF image

1 file format would be impossible or impracticable. These exceptions include the
2 following non-limiting list of examples: spreadsheets (e.g., Excel, Google Sheets, or
3 CSV-limited exports of data), presentations (e.g., Power Point), word documents with
4 track changes, audio files, video, and animation.

5 **DOCUMENTS REQUESTED**

6 1. Any policies, procedures, or schedules related to the retention of
7 documents.

8 2. Any DOCUMENTS that show the capacity of any STORAGE
9 FACILITIES that have been in operation from April 9, 2016 to the present.

10 3. Any DOCUMENTS that show how much property has been stored day
11 to day, week to week, year to year or for any other time frame for MANDATORY
12 STORAGE, including any reports that show existing or remaining capacity at each
13 STORAGE FACILITY, from April 9, 2016 to the present.

14 4. One blank copy of each form used in conjunction with the
15 MANDATORY STORAGE of property, including but not limited to any sign-in
16 sheets, chain of custody forms, affidavits of ownership, property logs and
17 complaint/grievance forms.

18 5. All DOCUMENTS related to the use of each of the forms used in
19 conjunction with the MANDATORY STORAGE of property, including but not
20 limited to any policies, procedures, trainings or instructions related to the use of these
21 forms.

22 6. All policies, procedures, protocols, or manuals related to the
23 MANDATORY STORAGE of property, including but not limited to all policies and
24 procedures related to the handling property seized at ENCAMPMENT CLEANUPS
25 or clean-ups conducted pursuant to LAMC 56.11, the process by which Chrysalis
26 goes about storing, returning/releasing, or destroying property seized by the CITY in
27 conjunction with ENCAMPMENT CLEANUPS.

1 7. All DOCUMENTS related to trainings conducted by or for
2 CHRYSLIS employees, agents, or contractors at any time since April 9, 2016
3 regarding the MANDATORY STORAGE of property. This includes any training
4 related to the operation of the STORAGE FACILITY for this purpose, including but
5 not limited to the seizure, destruction, or storage of property at the STORAGE
6 FACILITY. Requested materials include but are not limited to any flyers; email
7 communications promoting, announcing or otherwise describing the trainings;
8 calendar invitations for any trainings; attendance or sign-in sheets for any and all
9 trainings; training materials, including but not limited to presentations, handouts, and
10 manuals; presenter's notes; and notes taken by participants.

11 8. All records kept regarding MANDATORY STORAGE, as required by
12 the contract between CHRYSLIS and LAHSA and/or CITY to maintain records of
13 all personal property items stored in MANDATORY STORAGE, including the dates
14 stored and the expiration of the 90 day storage period.

15 9. All records kept in conjunction with the operation of MANDATORY
16 STORAGE, including but not limited to all property storage logs, chain of custody
17 forms, and release forms used in conjunction with MANDATORY STORAGE or the
18 use of the storage of property seized by the City of Los Angeles and stored at the
19 STORAGE FACILITY.

20 10. All DOCUMENTS constituting records of contacts by or with
21 individuals seeking the return of property seized by the CITY, including but not
22 limited to call logs, forms, or spreadsheets.

23 11. All DOCUMENTS regarding and related to "delivering property" to
24 individuals claiming ownership in personal property held at STORAGE FACILITY,
25 as required under the contract between CHRYSLIS and LAHSA and/or CITY's
26 requirement to turn over property.

27 ///

28 ///

1 12. All COMMUNICATIONS with the CITY related to the MANDATORY
2 STORAGE of property, including but not limited to COMMUNICATIONS related to
3 the storage, return or destruction of property held in MANDATORY STORAGE.

4 13. All COMMUNICATIONS with LAHSA related to the MANDATORY
5 STORAGE of property, including but not limited to COMMUNICATIONS related to
6 the storage, return or destruction of property held in MANDATORY STORAGE.

7 14. All reports, summaries, statistics, analysis, forms, photographs or data
8 compilations related to MANDATORY STORAGE, including but not limited to
9 reports related to property stored, returned or destroyed.

10 15. All DOCUMENTS submitted to LAHSA and/or CITY related to the
11 operation of the MANDATORY STORAGE, including but not limited to any
12 invoices, monthly, quarterly or annual reports, statistics, or data compilations.

13 16. All DOCUMENTS related to the destruction of property held for
14 MANDATORY STORAGE, including but not limited to any reports, summaries,
15 statistics, analysis, forms, photographs or other any data compilations.

16 17. All DOCUMENTS related to the amount of destroyed property if any, at
17 or after being held for MANDATORY STORAGE, including but not limited to any
18 forms, reports, summaries, statistics, analysis, photographs or other any data
19 compilations.

20 18. All policies, procedures, protocols, and manuals related to
21 VOLUNTARY STORAGE.

22 19. One copy of each document provided to any individual who makes use
23 of VOLUNTARY STORAGE.

24 20. One copy of each form used in conjunction with CHRYSALIS'S
25 VOLUNTARY STORAGE, including but not limited to any agreements between
26 unhoused residents and CHRYSALIS, any grievance or complaint forms, any logs
27 related to checking in or checking out property, and any claim forms.
28

1 21. A copy of CHRYSALIS's complaint/grievance policy and any policies,
2 procedures, or protocols related to the handling of the grievance policy, including the
3 appeal process related to any grievances, and the use of the Complaint/Grievance
4 forms and the Grievance Resolution Appeal Form.

5 22. One copy of each form used in conjunction with the complaint/grievance
6 policy, including but not limited to the Complaint/Grievance forms and the Grievance
7 Resolution Appeal form.

8 23. All DOCUMENTS related to grievances or complaints filed by
9 unhoused persons with CHRYSALIS since January 1, 2018 related to
10 MANDATORY STORAGE, including submitted Complaint/Grievance forms,
11 Grievance Resolution Appeal forms, and any other related grievance-related
12 DOCUMENTS.

13 24. All COMMUNICATIONS with the CITY related to any grievances
14 identified in response to category 23.

Civil Action No. 2:19-CV-06182-DSF-PLA

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

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#1733

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**PROOF OF SERVICE
UNITED STATES DISTRICT COURT**

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 11543 W. Olympic Boulevard, Los Angeles, CA 90064.

On **December 8, 2020**, I caused the service of the foregoing document(s) described as:

**SUBPOENA FOR THE PRODUCTION OF DOCUMENTS,
INFORMATION OR DOCUMENTS TO THE CHRYSALIS CENTER**
on the interested party(ies) in this action addressed as follows:

Custodian of Records
THE CHRYSALIS CENTER
522 S. Main St
Los Angeles, CA 90013

Mark Loranger
Agent for Service of Process
THE CHRYSALIS CENTER
2527 Barry Avenue
Los Angeles, CA 90064

X **[BY MAIL]** I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereof fully paid.

X **[FEDERAL]** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **December 8, 2020**, at Los Angeles, California.



Carlos Gallegos

**PROOF OF SERVICE
UNITED STATES DISTRICT COURT**

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 11543 W. Olympic Boulevard, Los Angeles, CA 90064.

On **December 8, 2020**, I caused the service of the foregoing document(s) described as:

**PLAINTIFFS' NOTICE OF ISSUANCE OF SUBPOENA FOR THE
PRODUCTION OF DOCUMENTS, INFORMATION OR DOCUMENTS TO
THE CHRYSALIS CENTER**

on the interested party(ies) in this action addressed as follows:

Michael Feuer
Kathleen A. Kenealy
Scott Marcus
Gabriel Dermer
gabriel.dermer@lacity.org
Felix Lebron
felix.lebron@lacity.org
Patricia Ursea
patricia.ursea@lacity.org
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012

X **[BY MAIL]** I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereof fully paid.

X **[BY EMAIL]** I caused the above document to be delivered by email to the above email address(es).

X **[FEDERAL]** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **December 8, 2020**, at Los Angeles, California.



Carlos Gallegos

EXHIBIT 25

Garcia v City of Los Angeles – Chrysalis Subpoena Response

Index	Documents Requested	Document(s) Provided	Comments
1	Any policies, procedures, or schedules related to the retention of documents.		None available
2	Any DOCUMENTS that show the capacity of any STORAGE FACILITIES that have been in operation from April 9, 2016 to the present.	UAP Location Information	
3	Any DOCUMENTS that show how much property has been stored day to day, week to week, year to year or for any other time frame for MANDATORY STORAGE, including any reports that show existing or remaining capacity at each STORAGE FACILITY, from April 9, 2016 to the present.	Unattended Property - Intake Form, Claim Form and Discard Form	
4	One blank copy of each form used in conjunction with the MANDATORY STORAGE of property, including but not limited to any sign-in sheets, chain of custody forms, affidavits of ownership, property logs and complaint/grievance forms.	UAP Training Manual, UAP documents, UAP documents blank and grievance and termination procedures	
5	All DOCUMENTS related to the use of each of the forms used in conjunction with the MANDATORY STORAGE of property, including but not limited to any policies, procedures, trainings or instructions related to the use of these forms.	UAP Training Manual, UAP documents, UAP documents blank and grievance and termination procedures	
6	All policies, procedures, protocols, or manuals related to the MANDATORY STORAGE of property, including but not limited to all policies and procedures related to the handling property seized at ENCAMPMENT CLEANUPS or clean-ups conducted pursuant to LAMC 56.11, the process by which Chrysalis goes about storing, returning/releasing, or destroying property seized by the CITY in conjunction with ENCAMPMENT CLEANUPS.	UAP Training Manual, UAP documents, UAP documents blank, Grievance and Termination Procedures	

February 15, 2021

Garcia v City of Los Angeles – Chrysalis Subpoena Response

Index	Documents Requested	Document(s) Provided	Comments
7	All DOCUMENTS related to trainings conducted by or for CHRYSALIS employees, agents, or contracts at any time since April 9, 2016 regarding the MANDATORY STORAGE of property. This includes any training related to the operation of the STORAGE FACILITY for this purpose, including but not limited to the seizure, destruction, or storage of property at the STORAGE FACILITY. Requested materials include but are not limited to any flyers; email communications promoting, announcing or otherwise describing trainings; calendar invitations for any trainings; attendance or sign in sheets for any and all trainings; training materials, including but not limited to presentations, handouts, and manuals; presenter's notes; and notes taken by participants.	UAP Training Manual and UAP Key Allocations	
8	All records kept regarding MANDATORY STORAGE, as required by the contract between CHRYSALIS and LAHSA and/or CITY to maintain records of all personal property items stored in MANDATORY STORAGE, including the dates stored and the expiration of the 90 day storage period.	Unattended Property - Intake Form, Claim Form and Discard Form	
9	All records kept in conjunction with the operation of MANDATORY STORAGE, including but not limited to all property storage logs, chain of custody forms, and release forms used in conjunction with MANDATORY STORAGE or the use of the storage of property seized by the City of Los Angeles and stored at the STORAGE FACILITY.	Unattended Property - Intake Form, Claim Form and Discard Form and Chain of Command (see Chain of Custody folder)	
10	All DOCUMENTS constituting records of contacts by or with individuals seeking the return of property seized by the CITY, including but not limited to call logs, forms, or spreadsheets.	UAP Call Logs, Unattended Property - Claim Form	
11	All DOCUMENTS regarding and related to "delivering property" to individuals claiming ownership in personal property held at STORAGE FACILITY, as required under the contract between CHRYSALIS and LAHSA and/or CITY's requirement to turn over property.	Unattended Property - Claim Form	
12	All COMMUNICATIONS with the CITY related to the MANDATORY STORAGE of property, including but not limited to COMMUNICATIONS related to the storage, return or destruction of property held in MANDATORY STORAGE.		None available

February 15, 2021

Garcia v City of Los Angeles – Chrysalis Subpoena Response

Index	Documents Requested	Document(s) Provided	Comments
13	All COMMUNICATIONS with LAHSA related to the MANDATORY STORAGE of property, including but not limited to COMMUNICATIONS related to the storage, return or destruction of property held in MANDATORY STORAGE.		None available
14	All reports, summaries, statistics, analysis, forms, photographs or data compilations related to MANDATORY STORAGE, including but not limited to reports related to property stored, returned or destroyed.	UAP Reports (see UAP Reports folder)	
15	All DOCUMENTS submitted to LAHSA and/or CITY related to the operation of the MANDATORY STORAGE, including but not limited to any invoices, monthly, quarterly or annual reports, statistics, or data compilations.	Unattended Property - Intake Form, Claim Form and Discard Form and UAP Reports (see UAP Reports folder)	
16	All DOCUMENTS related to the destruction of property held for MANDATORY STORAGE, including but not limited to any reports, summaries, statistics, analysis, forms, photographs or other any data compilations.	Unattended Property - Discard Form and UAP Reports (see UAP Reports folder)	
17	All DOCUMENTS related to the amount of destroyed property if any, at or after being held for MANDATORY STORAGE, including but not limited to any forms, reports, summaries, statistics, analysis, photographs or other any data compilations.	Unattended Property - Discard Form and UAP Reports (see UAP Reports folder)	
18	All policies, procedures, protocols, and manuals related to VOLUNTARY STORAGE.	UAP Documents (pg. 6) and Grievance and Termination Procedures	
19	One copy of each document provided to any individual who makes use of VOLUNTARY STORAGE.	UAP Documents (pg. 6) and Grievance and Termination Procedures	
20	One copy of each form used in conjunction with CHRYSLIS'S VOLUNTARY STORAGE, including but not limited to any agreements between unhoused residents and CHRYSLIS, any grievance or complaint forms, any logs related to checking in or checking out property, and any claim forms.	UAP Documents (pg. 6) and Grievance and Termination Procedures	

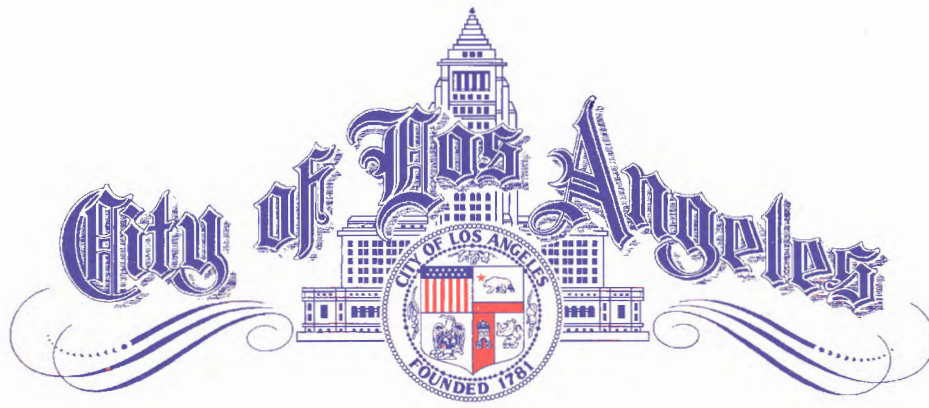
February 15, 2021

Garcia v City of Los Angeles – Chrysalis Subpoena Response

Index	Documents Requested	Document(s) Provided	Comments
21	A copy of CHRYSALIS's complaint/grievance policy and any policies, procedures, or protocols related to the handling of the grievance policy, including the appeal process related to any grievances, and the use of the Complaint/Grievance forms and the Grievance Resolution Appeal Form.	Grievance and Termination Procedures	
22	One copy of each form used in conjunction with the complaint/grievance policy, including but not limited to the Complaint/Grievance forms and the Grievance Resolution Appeal form.	Grievance and Termination Procedures	
23	All DOCUMENTS related to grievances or complaints filed by unhoused persons with CHRYSALIS since January 1, 2018 related to MANDATORY STORAGE, including submitted Complaint/Grievance forms, Grievance Resolution Appeal forms, and any other related grievance-related DOCUMENTS.		None available
24	All COMMUNICATIONS with the CITY related to any grievances identified in response to category 23.		None available

February 15, 2021

EXHIBIT 26



ERIC GARCETTI
MAYOR

EXECUTIVE DIRECTIVE NO. 16

Issue Date: April 29, 2016

Subject: Implementation of the Comprehensive Homeless Strategy

The City of Los Angeles and the County of Los Angeles undertook an historic joint effort to address homelessness regionally when the Board of Supervisors approved the County's Recommended Strategies to Combat Homelessness on February 9, 2016, and I approved the City's Comprehensive Homeless Strategy on February 10, 2016. This effort emerged out of a joint planning process that engaged local, regional, and national stakeholders, and that included the voices of residents experiencing homelessness.

The City's Comprehensive Homeless Strategy report presents sixty-four strategy briefs that align with my three-pillar approach: house those who are currently homeless; prevent residents who have homes from falling into homelessness; and implement a street-based plan that protects public health and public safety along with the civil rights of people experiencing homelessness. The report will guide us through this current crisis and after.

The Comprehensive Homeless Strategy incorporates national best practices including a *coordinated entry system* to navigate people from the streets into housing; a *housing-first approach* to prioritize placement in permanent housing as a primary solution; and the *decriminalization* of homelessness. These practices are evidence-based and have contributed to ending homelessness among high-need subpopulations including persons with substance-abuse and other mental disorders, veterans, persons in the criminal-justice system, and persons experiencing chronic homelessness.

The City expects to implement the Comprehensive Homeless Strategy over ten years at an estimated cost of \$1.87 billion; this funding is intended to leverage additional county, state, and federal funding resources. The City will implement the strategy briefs in the

report equitably across all communities and in proportion to the number of local homeless residents documented in the annual Homeless Count.

Our City is in an unprecedented moment of transformational change. We must employ all City resources and deploy them strategically to accomplish our goal of ending chronic homelessness.

Early in my Administration, I convened a Homelessness Cabinet that included representatives of various City Departments and City Councilmembers' Offices. As part of the Comprehensive Homeless Strategy, we have also formed a Homeless Strategy Committee, which is working to address the important strategy briefs in the Comprehensive Homeless Strategy report. Now it is time to establish with the force of law an official Mayor's Homelessness Cabinet to enlist every City Department into the fight against homelessness and to provide for full accountability for the effective implementation of the Comprehensive Homeless Strategy. This will ensure that there will be "no wrong door" for a homeless person to connect to services regardless of which Department's door the person enters.

Accordingly, I hereby order the following:

- Each General Manager or Head of Department/Office shall designate a senior manager as the Mayor's Homelessness Liaison for the Department/Office, and shall notify my Homelessness Policy Director of that person's name and contact information (including when there is a subsequent personnel change or change to that person's contact information).
- I hereby create the Mayor's Homelessness Cabinet, which my Homelessness Policy Director shall chair, and which shall include the departmental Mayor's Homelessness Liaisons as well as members from and designated by my Office. Each General Manager or Head of Department/Office shall ensure departmental Mayor's Homelessness Liaison representation at regular Mayor's Homelessness Cabinet meetings when called by my Homelessness Policy Director.
- The Mayor's Homelessness Cabinet shall:
 - have primary responsibility for implementing the City's "No Wrong Door" policy, adopted as a Guiding Principle for the City's Comprehensive Homeless Strategy, across all City agencies;
 - ensure that City agencies are empowered to increase awareness of and access to resources that connect homeless constituents to housing and services, and that the agencies are accountable for doing so;
 - host a peer learning environment to inform and share best practices on addressing the needs of homeless residents who engage City services;

- create and operationalize an online staff training program to build a uniform customer-service approach to engage homeless residents;
 - develop a data-sharing agreement and a data-collection process to track departmental engagement with homeless residents;
 - design and coordinate a public online dashboard that regularly publishes metrics and indicators related to homelessness, including, in particular, metrics and indicators related to the City's implementation of the Comprehensive Homeless Strategy; and
 - take appropriate actions to implement the Comprehensive Homeless Strategy pursuant to its Guiding Principles and to address homelessness as future needs dictate.
- By June 30, 2016, each General Manager or Head of Department/Office shall submit to my Homelessness Policy Director a Homelessness Strategy Action Plan to implement the Comprehensive Homeless Strategy and to address the needs of homeless residents in the new fiscal year. Beginning in 2017, each General Manager or Head of Department/Office shall submit to my Office an updated Homelessness Strategy Action Plan as part of the Annual General Manager Review process.

Executed this 29th day of April 2016.

A handwritten signature in black ink, appearing to read 'Eric Garcetti', is written over a horizontal line.

ERIC GARCETTI
Mayor